

# QUICK REFERENCE CHART FOR DETERMINING THE IMMIGRATION CONSEQUENCES OF SELECTED NEW JERSEY CRIMINAL OFFENSES<sup>1</sup>

**Abbreviations and Notes:**

<u>Degree of Intent</u>	<u>Degree of Harm</u>	<u>Other Abbreviations</u>
K=knowing(ly)	BI=bodily injury	CDS=controlled dangerous substance
P=purpose(ly)	SBI=serious bodily injury	DW=deadly weapon
N=negligent(ly)		MV=motor vehicle
R=reckless(ly)		

OFFENSE	NEW JERSEY CODE SECTION	AGGRAVATED FELONY (AF)?	CRIME INVOLVING MORAL TURPITUDE (CIMIT)?	OTHER GROUNDS: CONTROLLED SUBSTANCE OFFENSE (CSO) CRIME AGAINST CHILDREN (CAC) CRIME OF DOM. VIOL., ETC. (CODV) FIREARM OFFENSE (FO) PROSTITUTION
<b>INCHOATE CRIMES</b>				
<b>Criminal attempt</b>	2C:5-1	An attempt to commit an AF would also be deemed an AF.	An attempt to commit a CIMIT would probably be considered a CIMIT.	Conviction would be considered a CSO or FO if the underlying offense is a CSO or FO.
<b>Conspiracy</b>	2C:5-2	A conspiracy to commit an AF would also be deemed an AF.	A conspiracy to commit a CIMIT would probably	Conviction would be considered a CSO or FO if the

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This chart is intended to warn criminal defense lawyers about the possible negative immigration consequences of a particular plea so that they may properly counsel their non-citizen clients. Advocates should be aware, however, that in many cases there are strong counter-arguments that a particular disposition should not trigger deportability or inadmissibility. For additional information on these arguments and strategies for avoiding the immigration consequences of criminal convictions, please refer to: Dan Kesselbrenner and Lory D. Rosenberg, *Immigration Law and Crimes* (West Group 1999), Norton Tooby, *Criminal Defense of Immigrants*, (Law Offices of Norton Tooby 2002), Manuel D. Vargas, *Representing Noncitizen Criminal Defendants in New York State*, 3d. Ed. (New York State Defenders Association, forthcoming 2003).

OFFENSE	NEW JERSEY CODE SECTION	AGGRAVATED FELONY (AF)?	CRIME INVOLVING MORAL TURPITUDE (CIMT)?	OTHER GROUNDS: CONTROLLED SUBSTANCE OFFENSE (CSO) CRIME AGAINST CHILDREN (CAC) CRIME OF DOM. VIOL., ETC. (CODV) FIREARM OFFENSE (FO) PROSTITUTION
			be considered a CIMT.	underlying offense is a CSO or FO.

### CRIMINAL HOMICIDE

<b>Murder</b> First degree	2C:11-3(a)	Yes.	Yes, for convictions under subsections (1) or (2). Whether conviction under subsection (3) is a CIMT may depend on whether the underlying offense is a CIMT.	If the victim was a current or former spouse, or similarly situated individual, a conviction might be considered a CODV. Conviction might also be considered a FO if the record of conviction establishes that the offense involved a firearm (as defined in 18 U.S.C. ' 921(a)).
<b>Manslaughter</b> First degree	2C:11-4	If term of imprisonment of at least one year is imposed, would probably be deemed a Crime of violence@ AF.	Conviction under subsection (a) would probably be considered a CIMT; conviction under (b)(1) would probably be considered a CIMT; and under (b)(2) and (3) might be considered a CIMT.	
<b>Death by auto or vessel</b> (b)(1), (2) Second degree (b)(3) First degree	2C:11-5	If term of imprisonment of at least one year is imposed, would probably be deemed a Crime of violence@ AF.	Would probably be considered a CIMT.	
<b>Knowingly leaving scene of motor vehicle accident resulting in death</b> Third degree	2C:11-5.1	If term of imprisonment of at least one year is imposed, might be deemed a Crime of violence@ AF.	Might be considered a CIMT.	
<b>Aiding suicide</b> Second or fourth degree	2C:11-6	Probably NOT.	Might be considered a CIMT.	

### ASSAULT, RECKLESS ENDANGERING, THREATS

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<b>Simple assault</b> Disorderly persons offense	2C:12-1(a)	NO.	Conviction under (a)(1) or (a)(2) might be considered a CIMT, however if convicted under (a)(1) and the record reflect R, would probably NOT be considered a CIMT; conviction under (a)(3) might be considered a CIMT.	If the victim was a current or former spouse, or similarly situated individual, a conviction might be considered a CODV. Conviction under subsection (a)(2) might also be considered a FO if the record of conviction establishes that the offense involved a firearm (as defined in 18 U.S.C. ' 921(a)).
<b>Aggravated assault</b> (b)(1), (6) Second degree (b)(2),(7),(9), (1) Third degree (b)(3),(4) Fourth degree (b)(5) Third or fourth degree (b)(8) Second or third degree (b)(11) Third degree	2C:12-1(b)	If term of imprisonment of at least one year is imposed, convictions under subsections (1-4) or (7-10) would probably be deemed a Acime of violence@ AF. Conviction under subsections (5-6) or (11) might be deemed a Acime of violence@ AF.	Conviction under subsections (1-4) or (7-10) would probably be considered a CIMT. Conviction under (5-6) or (11) might be considered a CIMT.	If the victim was a current or former spouse, or similarly situated individual, a conviction might be considered a CODV. Conviction under subsections (4), (9) and (11) would probably be considered a FO; conviction under subsections (2) or (3) might also be considered a FO if the record of conviction establishes that the offense involved a firearm (as defined in 18 U.S.C. ' 921(a)).
<b>Assault by auto or vessel</b> Second, third or fourth degree, or disorderly persons offense	2C:12-1(c)	If term of imprisonment of at least one year is imposed, would probably be deemed a Acime of violence@ AF.	Conviction under subsection (1), (2) and (3) would probably be considered a CIMT if record of conviction establishes that offense caused SBI.	If the victim was a current or former spouse, or similarly situated individual, a conviction might be considered a CODV.
<b>Knowingly leaving scene of a motor vehicle accident resulting in serious bodily injury</b> Fourth degree	2C:12-1.1	It term of imprisonment of at least one year is imposed, might be deemed a Acime@ of violence AF.	Might be considered a CIMT.	

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<b>Endangering an injured victim</b> Third degree	2C:12-1.2	If term of imprisonment of at least one year is imposed, might be deemed a Acrime of violence@ AF.	Might be considered a CIMIT.	If the victim was a current or former spouse, or similarly situated individual, a conviction might be considered a CODV.
<b>Recklessly endangering another person</b> Third or fourth degree	2C:12-2	If term of imprisonment of at least one year is imposed, conviction under subsection (a) would probably be deemed a Acrime of violence@ AF.	Conviction under (a) might be considered a CIMIT. Conviction under (b)(2) would probably be considered a CIMIT.	If the victim was a current or former spouse, or similarly situated individual, a conviction might be considered a CODV.
<b>Terroristic threats</b> Third degree	2C:12-3	If term of imprisonment of at least one year is imposed, conviction would probably be deemed a Acrime of violence@ AF.	Would probably be considered a CIMIT.	If the victim was a current or former spouse, or similarly situated individual, a conviction might be considered a CODV.
<b>Stalking</b> (b) Fourth degree (c), (d), (e) Third degree	2C:12-10	If term of imprisonment of at least one year is imposed, conviction would probably be deemed a Acrime of violence@ AF.	Would probably be considered a CIMIT.	A conviction would probably trigger deportability as a Acrime of stalking,@ or if the victim was a current or former spouse, or similarly situated individual, a conviction might also be considered a CODV.
<b>Disarming law enforcement or corrections officer</b> First or second degree	2C:12-11	Conviction under subsection (a) might be deemed a Acrime of violence@ AF; conviction under subsection (b) would probably be deemed a Acrime of violence@ AF.	Conviction under subsection (a) or (b) would probably be considered a CIMIT.	Conviction would probably also be considered a FO.
<b>Throwing bodily fluid at department of correction employees deemed aggravated assault</b> Third or fourth degree	2C:12-13	If term of imprisonment of at least one year is imposed, conviction might be deemed a Acrime of violence@ AF.	Might be considered a CIMIT.	

**KIDNAPPING AND RELATED OFFENSES**

OFFENSE	NEW JERSEY CODE SECTION	AGGRAVATED FELONY (AF)?	CRIME INVOLVING MORAL TURPITUDE (CIMT)?	OTHER GROUNDS: CONTROLLED SUBSTANCE OFFENSE (CSO) CRIME AGAINST CHILDREN (CAC) CRIME OF DOM. VIOL., ETC. (CODV) FIREARM OFFENSE (FO) PROSTITUTION
<b>Kidnapping</b> First or second degree	2C:13-1	If term of imprisonment of at least one year is imposed, conviction might be deemed a "crime of violence" AF depending on what the record of conviction establishes (see definition at 18 U.S.C. ' 16). Conviction under subsection (b)(1) might be deemed an "obstruction of justice" AF.	Would probably be considered a CIMT.	If the victim was a current or former spouse or similarly situated individual, a conviction might be considered a CODV.
<b>Criminal restraint</b> Third degree	2C:13-2	If term of imprisonment of at least one year is imposed, conviction might be deemed a "crime of violence" AF depending on what the record of conviction establishes (see definition at 18 U.S.C. ' 16).	Would probably be considered a CIMT.	
<b>False imprisonment</b> Disorderly persons offense	2C:13-3	NO.	Might be considered a CIMT.	If the victim was a current or former spouse or similarly situated individual, a conviction might be considered a CODV.
<b>Interference with custody</b> Second, third or fourth degree	2C:13-4	If term of imprisonment of at least one year is imposed, conviction might be deemed a "crime of violence" AF depending on what the record of conviction establishes (see definition at 18 U.S.C. ' 16). If term of imprisonment of at least one year is imposed, conviction under subsection (a)(2) or (a)(3) might be deemed an "obstruction of justice" AF.	Might be considered a CIMT.	Because the victim would usually be a current or former spouse or similarly situated individual, a conviction might be considered a CODV.

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<b>Criminal coercion</b> Third or fourth degree	2C:13-5	If term of imprisonment of at least one year is imposed, conviction under subsection (a)(1) would probably be deemed a "crime of violence" AF depending on what the record of conviction establishes (see definition at 18 U.S.C. ' 16), and conviction under other subsections might be deemed a crime of violence@ AF depending on what the record of conviction establishes. Conviction under subsection (a)(2) or (a)(6) might be deemed an "obstruction of justice" AF.	Might be considered a CIMT.	If the victim was a current or former spouse or similarly situated individual, a conviction might be considered a CODV.
<b>Luring, enticing child</b> Third degree	2C:13-6	If term of imprisonment of at least one year is imposed, conviction might be deemed a "crime of violence" AF depending on what the record of conviction establishes (see definition at 18 U.S.C. ' 16); conviction might also be deemed a Asexual abuse of a minor@ AF.	If underlying offense is a CIMT, conviction would probably be considered a CIMT.	If record of conviction shows purpose to commit child abuse, child neglect, or child abandonment, might be considered a CAC.

**SEXUAL OFFENSES**

<b>Aggravated sexual assault</b> First degree	2C:14-2 (a)	Conviction under subsections (1), (2),(5),(6) or (7) would probably be deemed a "rape or sexual abuse of a minor" AF and conviction under subsections (3) and (4) might be deemed a Arape or sexual abuse of a minor@ AF, especially if record of conviction establishes sexual intercourse between the offender and victim. If term of imprisonment of one year or more is imposed, conviction under subsections (4), (5) or (6) would probably be deemed a "crime of violence" AF and conviction under subsection (3) or (7) might be deemed a "crime of violence" AF.	Would probably be considered a CIMT.	If the victim was a current or former spouse or similarly situated individual, a conviction might be considered a CODV. Conviction under subsection (1) and (2) would probably also be considered a CAC.
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<b>Sexual assault</b> Second degree	2C:14-2 (b)	Would probably be deemed a "rape or sexual abuse of a minor," AF or if term of imprisonment of at least one year is imposed, might be deemed a "crime of violence" AF.	Would probably be considered a CIMT.	If the victim was a current or former spouse or similarly situated individual, a conviction might be considered a CODV. Conviction would probably also be considered a CAC.
<b>Sexual assault</b> Second degree	2C:14-2 (c)	Conviction under subsection (3) or (4) would probably be deemed a "sexual abuse of a minor" AF. If term of imprisonment of at least one year is imposed, conviction under subsection (1) would probably be deemed a "crime of violence" AF and conviction under subsection (2), (3) or (4) might be deemed a "crime of violence" AF.	Would probably be considered a CIMT.	If the victim was a current or former spouse or similarly situated individual, a conviction might be considered a CODV. Conviction under subsection (3) or (4) would probably also be considered a CAC.
<b>Aggravated criminal sexual contact</b> Third degree	2C:14-3(a)	Conviction under subsection (a) would probably be deemed a "sexual abuse of a minor" AF if record shows that the crime was committed under the circumstances set forth in subsection (1),(2), (5),(6) or (7) of 2C:14-2(a) and if under the circumstances of subsection (3) or (4) of 2C:14-2(a), might be deemed Asexual abuse of a minor@ AF if record of conviction shows victim was a minor. If term of imprisonment of at least one year is imposed, would probably be deemed a "crime of violence" AF if record shows the crime was committed under circumstances set forth in subsections (4), (5) or (6) of 2C:14-2(a), and might be deemed a "crime of violence" AF if record of conviction shows the crime was committed under circumstances set forth in subsections (3) or (7) of 2C:14-2(a).	Would probably be considered a CIMT.	If the victim was a current or former spouse or similarly situated individual, a conviction might be considered a CODV. If the record of conviction shows that the victim was a child, conviction would probably be considered a CAC.

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<b>Criminal sexual contact</b> Fourth degree	2C:14-3(b)	If record shows that the crime was committed under circumstances set forth in subsection (1) or (2) of 2C:14-2(c), would probably be deemed a Asexual abuse of a minor@ AF if the record shows the crime was committed under circumstances set forth in subsection (3) or (4) of 2C:14-2(c), might be deemed a Asexual abuse of a minor@ AF. If term of imprisonment of at least one year is imposed, conviction under circumstances set forth in subsection (1) of 2C:14-2(c), would probably be deemed a "crime of violence" AF and conviction under the circumstances as set forth in subsection (2),(3)or (4) of 2C:14-2(c)might be deemed a "crime of violence" AF.	Would probably be considered a CIMT.	If the victim was a current or former spouse or similarly situated individual, a conviction might be considered a CODV. If the record of conviction shows that the victim was a child, conviction would probably be considered a CAC.
<b>Lewdness</b> Disorderly persons offense	2C:14-4(a)	NO.	Might be considered a CIMT.	
<b>Lewdness</b> Fourth degree	2C:14-4(b)	Conviction under subsection (1) might be deemed a Asexual abuse of a minor@ AF.	Would probably be considered a CIMT.	Conviction under subsection (1) might be considered a CAC.

**ROBBERY**

<b>Robbery</b> First or second degree	2C:15-1	If term of imprisonment of at least one year is imposed, conviction under subsections (a)(1) or (2) would probably be deemed a Atheft@ or Acrime of violence@ AF; conviction under subsection (a)(3) would probably be deemed a Atheft@ AF; and, depending on the crime committed or threatened, might fall into another AF category.	Yes.	If conviction as crime of the first degree is based on charge that the defendant is armed with, or uses or threatens the immediate use of a deadly weapon, conviction might be considered a FO if record of conviction establishes that offense involved a firearm.
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<b>Carjacking</b> First degree	2C:15-2	If term of imprisonment of at least one year is imposed: conviction under subsections (a)(1) or (2) would probably be deemed a Atheft@ or Acrime of violence@ AF; conviction under subsection (a)(3) would probably be deemed a Atheft@ AF and, depending on the crime committed or threatened, might fall into another AF category; and conviction under subsection (a)(4) would probably be deemed a Atheft@ AF.	Would probably be considered a CIMT.	

**ARSON, CRIMINAL MISCHIEF, AND OTHER PROPERTY DESTRUCTION**

<b>Aggravated arson</b> Second degree	2C:17-1(a)	If term of imprisonment of at least one year is imposed, would probably be deemed a Acrime of violence@ AF; if loss to the victim exceeds \$10,000, conviction under subsection (3) might also be deemed a Afraud@ AF.	Would probably be considered a CIMT.	Conviction might be considered a FO (or destructive device offense) if record of conviction establishes that offense involved a Adestructive device@ (as defined in 18 U.S.C. ' 921(a)). If the victim was a current or former spouse or similarly situated individual, conviction might be considered a CODV.
<b>Arson</b> Third degree	2C:17-1(b)	If term of imprisonment of at least one year is imposed, would probably be deemed a Acrime of violence@ AF; if loss to the victim exceeds \$10,000, conviction under subsection (3) might also be deemed a Afraud@ AF.	Conviction under subsection (3) or (4) would probably be considered a CIMT; conviction under subsection (1), (2), or (5) might be considered a CIMT.	Conviction might be considered a FO (or destructive device offense) if record of conviction establishes that offense involved a Adestructive device@ (as defined in 18 U.S.C. ' 921(a)).
<b>Failure to control or report dangerous fire</b> Fourth degree	2C:17-1(c)	If term of imprisonment of at least one year is imposed, might be deemed a Acrime of violence@ AF.	Might be considered a CIMT.	

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<b>Paying or accepting consideration to commit arson</b> First degree	2C:17-1(d)	If term of imprisonment of at least one year is imposed and record of conviction shows a substantial step taken towards completion of an arson offense, might be deemed a Crime of violence@ AF.	Would probably be considered a CIMT.	
<b>Causing or risking widespread injury or damage</b> (a) Second or third degree (b) Third degree (c) Fourth degree (d) Fourth degree	2C:17-2	If term of imprisonment of at least one year is imposed, conviction might be deemed a "crime of violence" AF depending on what the record of conviction establishes (see definition at 18 U.S.C. ' 16).	Conviction under subsection (a) or (b) would probably be considered a CIMT, however if record of conviction shows R only, conviction under subsection (a)(2) might not be considered a CIMT. Conviction under subsection (c) or (d) might be considered a CIMT.	
<b>Criminal mischief</b> Third or fourth degree	2C:17-3	If term of imprisonment of at least one year is imposed, conviction might be deemed a Crime of violence@ AF depending on what the record of conviction establishes (see definition at 18 U.S.C. ' 16).	If record of conviction establishes P or K intent element, as opposed to R or N, might be considered a CIMT.	Conviction under subsection (a)(1) might be considered a FO (or destructive device offense) if record of conviction establishes that offense involved a Destructive device@ (as defined in 18 U.S.C. ' 921(a)).
<b>Certain alternations of motor vehicle trademarks, identification numbers, prohibited</b> Third or fourth degree, or disorderly persons offense	2C:17-6	If term of imprisonment of at least one year is imposed, might be deemed a Vehicle trafficking@ AF; if term of imprisonment of at least one year is imposed and record of conviction establishes purpose related to theft, conviction might also be deemed a Theft@ AF.	If record of conviction establishes purpose related to theft or other unlawful purpose involving moral turpitude might be considered a CIMT.	

**BURGLARY & OTHER CRIMINAL INTRUSION**

OFFENSE	NEW JERSEY CODE SECTION	AGGRAVATED FELONY (AF)?	CRIME INVOLVING MORAL TURPITUDE (CIMT)?	OTHER GROUNDS: CONTROLLED SUBSTANCE OFFENSE (CSO) CRIME AGAINST CHILDREN (CAC) CRIME OF DOM. VIOL., ETC. (CODV) FIREARM OFFENSE (FO) PROSTITUTION
<b>Burglary</b> Second or third degree	2C:18-2	If term of imprisonment of at least one year is imposed and conviction is in the second degree or if record of conviction establishes unlawful entry into a dwelling, would probably be deemed a <i>Crime of violence</i> @ AF; if term of imprisonment of at least one year is imposed and record of conviction establishes unlawful entry into a dwelling (see <i>Taylor v. U.S.</i> , 495 U.S. 575 (1990)), would probably also be deemed a <i>Burglary</i> @ AF.	Would be considered a CIMT if record of conviction establishes that the offense intended to be committed was a CIMT.	If conviction of crime of the second degree is based on charge that the defendant was armed with or displayed what appeared to be explosives or a DW, conviction might be considered a FO if record of conviction establishes that explosive was a destructive device (as defined in 18 U.S.C. § 921 (a)) or that DW was a firearm.
<b>Criminal trespass - unlicensed entry of structures</b> Fourth degree (school, school property, dwelling or research facility) or disorderly persons offense	2C:18-3(a)	If term of imprisonment of at least one year is imposed, might be deemed a <i>Crime of violence</i> @ AF if record of conviction establishes unlicensed entry into a dwelling.	Probably NOT.	
<b>Criminal trespass - defiant trespasser</b> Disorderly persons offense	2C:18-3(b)	NO.	NO.	
<b>Criminal trespass - peering into windows or other openings of dwelling places</b> Fourth degree	2C:18-3 (c)	Probably NOT.	Might be considered a CIMT.	
<b>Riding on lands; damaging property on lands</b> Third or fourth degree, or disorderly persons offense (depending on amount of loss).	2C:18-5	If term of imprisonment of at least one year is imposed, conviction under subsection (b) might be deemed a <i>Crime of violence</i> @ AF.	If record of conviction reflects K, conviction under subsection (b) might be considered a CIMT.	

**THEFT AND RELATED OFFENSES**

OFFENSE	NEW JERSEY CODE SECTION	AGGRAVATED FELONY (AF)?	CRIME INVOLVING MORAL TURPITUDE (CIMIT)?	OTHER GROUNDS: CONTROLLED SUBSTANCE OFFENSE (CSO) CRIME AGAINST CHILDREN (CAC) CRIME OF DOM. VIOL., ETC. (CODV) FIREARM OFFENSE (FO) PROSTITUTION
<b>Theft by unlawful taking or disposition</b>	2C:20-3	If term of imprisonment of at least one year is imposed, would probably be considered a Atheft@ AF.	Would probably be considered a CIMIT.	
<b>Theft by deception</b>	2C:20-4	If term of imprisonment of at least one year is imposed, might be deemed a Atheft@ AF. If record of conviction shows loss to the victim of \$10,000 or more, would probably be deemed a Afraud or deceit@ AF.	Would probably be considered a CIMIT.	
<b>Theft by extortion</b>	2C:20-5	If term of imprisonment of at least one year is imposed, would probably be deemed a Atheft@ offense; or conviction under subsection (a) might also be deemed a Acrime of violence@ AF.	Would probably be considered a CIMIT.	
<b>Theft of property lost, mislaid, or delivered by mistake</b>	2C:20-6	If term of imprisonment of at least one year is imposed, would probably be deemed a Atheft@ AF.	Would probably be considered a CIMIT.	
<b>Receiving stolen property</b>	2C:20-7	If term of imprisonment of at least one year is imposed, would probably be deemed a Atheft@ AF.	Would probably be considered a CIMIT.	
<b>Fencing</b>	2C:20-7.1	If term of imprisonment of at least one year is imposed, might be deemed a Atheft@ AF; if record of conviction also shows that the Aproperty@ is a vehicle the identification number of which has been altered, conviction under subsection (b) might be deemed a Avehicle trafficking@ AF.	Might be considered a CIMIT.	
<b>Theft of services</b>	2C:20-8	If term of imprisonment of at least one year is imposed, might be deemed a Atheft@ AF.	Conviction under subsection (a),(b),(h),(i) or (j) would probably be considered a CIMIT; conviction under subsection (c)-(g) might be considered a CIMIT.	

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<b>Theft by failure to make required disposition of property received</b>	2C:20-9	If term of imprisonment of at least one year is imposed, might be deemed a Atheft@ offense.	Might be considered a CIMT.	
<b>Unlawful taking of means of conveyance</b> Disorderly persons offense	2C:20-10(a)	NO.	Probably NOT a CIMT.	
<b>Unlawful taking of means of conveyance</b> Fourth degree	2C:20-10(b)	If term of imprisonment of at least one year is imposed, might be deemed a Atheft@ AF.	Might be considered a CIMT.	
<b>Unlawful taking of means of conveyance</b> Third degree	2C:20-10(c)	If term of imprisonment of at least one year is imposed, might be deemed a Atheft@ or Acrime of violence@ AF.	Might be considered a CIMT.	
<b>Unlawful taking of means of conveyance</b> Fourth degree	2C:20-10(d)	Probably NOT.	Might be considered a CIMT.	
<b>Shoplifting</b>	2C:20-11	If term of imprisonment of at least one year is imposed, would probably be deemed a Atheft@ AF.	Would probably be considered a CIMT.	
<b>Operation of facility for sale of stolen automobile or parts</b> Second degree	2C:20-16	If term of imprisonment of at least one year is imposed, might be deemed a Atheft@AF; or if record of conviction reflects that identification numbers have been altered, would probably be deemed a Avehicle trafficking@ AF.	Would probably be considered a CIMT.	
<b>Use of juvenile in theft of automobiles</b> Second degree	2C:20-17	If term of imprisonment of at least one year is imposed, would probably be deemed a Atheft@ AF.	Would probably be considered a CIMT.	
<b>Leader of auto theft trafficking network</b> Second degree	2C:20-18	If term of imprisonment of at least one year is imposed, would probably be deemed a Atheft@ or Atrafficking in vehicles@ AF.	Would probably be considered a CIMT.	

OFFENSE	NEW JERSEY CODE SECTION	AGGRAVATED FELONY (AF)?	CRIME INVOLVING MORAL TURPITUDE (CIMT)?	OTHER GROUNDS: CONTROLLED SUBSTANCE OFFENSE (CSO) CRIME AGAINST CHILDREN (CAC) CRIME OF DOM. VIOL., ETC. (CODV) FIREARM OFFENSE (FO) PROSTITUTION
<b>Computer theft</b>	2C:20-25	Probably NOT.	Would probably be considered a CIMT.	
<b>Unauthorized use of ATP card or food stamp coupons with value of \$150 or more</b> Fourth degree	2C:20-36	If term of imprisonment of at least one year is imposed, might be deemed a Atheft@ offense; or if record reflects loss to the government of \$10,000 or more, might be deemed a Afraud@ AF.	Would probably be considered a CIMT.	
<b>FORGERY AND FRAUDULENT PRACTICES</b>				
<b>Forgery and related offenses</b> Third or fourth degree	2C:21-1	If sentenced to a term of imprisonment of at least one year, would probably be deemed a Aforgery@ AF; or if the loss to the victim(s) exceeds \$10,000, might be deemed a Afraud@ AF.	Yes.	
<b>Criminal simulation</b> Fourth degree	2C:21-2	If sentenced to a term of imprisonment of at least one year, would probably be deemed a Aforgery@ AF; or if the loss to the victim(s) exceeds \$10,000, might be deemed a Afraud@ AF.	Yes.	
<b>Driver=s license or other document issued by governmental agency to verify identity or age simulation</b> (a) Third degree (b) Third degree (c) Fourth degree (d) Disorderly persons offense	2C:21-2.1	If sentenced to a term of imprisonment of at least one year, would probably be deemed a Aforgery@ AF.	Would probably be considered a CIMT.	
<b>Frauds related to public records and recordable instruments</b> (a) Third degree (b) Disorderly persons offense	2C:21-3	If the loss to the victim(s) exceeds \$10,000, conviction might be deemed a Afraud@ AF, especially if record shows intent to deceive (as opposed to intent to injure).	Would probably be considered a CIMT.	

OFFENSE	NEW JERSEY CODE SECTION	AGGRAVATED FELONY (AF)?	CRIME INVOLVING MORAL TURPITUDE (CIMT)?	OTHER GROUNDS: CONTROLLED SUBSTANCE OFFENSE (CSO) CRIME AGAINST CHILDREN (CAC) CRIME OF DOM. VIOL., ETC. (CODV) FIREARM OFFENSE (FO) PROSTITUTION
<b>Bad checks</b> Second, third or fourth degree, or disorderly persons offense (depending on amount)	2C:21-5	If the loss to the victim(s) exceeds \$10,000, conviction might be deemed a Afraud@ AF, or if term of imprisonment of at least one year is imposed, might be deemed a Atheft@ AF.	Would probably not be considered a CIMT.	
<b>Credit cards</b>	2C:21-6	If the loss to the victim(s) exceeds \$10,000, conviction under subsection (b), (c)(2),(4),(5), (6),(d),(e) or (h), requiring intent to defraud, would probably be deemed a Afraud@ AF, or if term of imprisonment of at least one year is imposed, conviction under subsection (c)(1),(2),(4), or(5) might be deemed a Atheft@ AF.	Conviction under subsection (b), (c)(2),(4),(5), (6),(d),(e) or (h), requiring intent to defraud, would be considered a CIMT, conviction under other subsections might be considered a CIMT.	
<b>Deceptive business practices</b> Fourth degree or disorderly persons offense	2C:21-7	If loss to the victim exceeds \$10,000, conviction under subsection (h) or (i) might be deemed a Afraud@ AF.	Conviction under subsection (h) or (i) might be considered a CIMT.	
<b>Impersonation</b>	2C:21-17	If loss to the victim exceeds \$10,000, convictions under subsections (a)(1) - (a)(4) would probably be deemed Afraud or deceit@ AF, especially if record of conviction reflects intent to defraud (as opposed to intent to injure, obtain a benefit or services, or avoid payment of a debt, etc. ); conviction under subsection (b) might be deemed a Afraud@ AF.	Conviction would probably be considered a CIMT.	
<b>Money laundering and illegal investment</b>	2C:21-25	If the value of the property exceeds \$10,000, conviction under subsection (b) might be deemed a state analog to federal Amoney laundering@ AF listed at 8 U.S.C. ' 1101 (a)(43)(D).	If the underlying criminal activity involves moral turpitude, might be considered a CIMT.	

**OFFENSES AGAINST THE FAMILY, CHILDREN AND INCOMPETENTS**

OFFENSE	NEW JERSEY CODE SECTION	AGGRAVATED FELONY (AF)?	CRIME INVOLVING MORAL TURPITUDE (CIMT)?	OTHER GROUNDS: CONTROLLED SUBSTANCE OFFENSE (CSO) CRIME AGAINST CHILDREN (CAC) CRIME OF DOM. VIOL., ETC. (CODV) FIREARM OFFENSE (FO) PROSTITUTION
<b>Endangering the welfare of children</b> Second or third degree depending on relationship with child	2C:24-4	Especially if defendant is more than four years older than victim and record shows sexual conduct with victim, conviction under subsection (a) would probably be deemed a "sexual abuse of a minor" AF and conviction under subsection (b)(3) and (4) might be deemed a sexual abuse of a minor AF. Conviction under subsections (b)(3),(4), or (5), might also be deemed a "child pornography" AF.	Conviction would probably be considered a CIMT.	Conviction would probably be considered a CAC.
<b>Willful nonsupport</b> Fourth degree	2C:24-5	NO.	Might be considered a CIMT.	Might be considered "child neglect or abandonment" CAC.
<b>Endangering the welfare of an incompetent person</b> Disorderly persons offense	2C:24-7	NO.	Might be considered a CIMT.	
<b>Endangering welfare of elderly or disabled persons</b> Third degree	2C:24-8	NO.	Probably NOT.	
<b>Use of 17-Year-Old or younger to commit criminal offense</b> One degree higher than underlying offense	2C:24-9	Might be considered a AF if underlying offense is an AF.	Might be considered a CIMT if underlying offense involves MT.	
<b>PERJURY AND OTHER FALSIFICATION IN OFFICIAL MATTERS</b>				
<b>Perjury</b> Third degree	2C:28-1	If term of imprisonment of at least one year is imposed, would probably be deemed a Aperjury AF.	Would probably be considered a CIMT.	

OFFENSE	NEW JERSEY CODE SECTION	AGGRAVATED FELONY (AF)?	CRIME INVOLVING MORAL TURPITUDE (CIMT)?	OTHER GROUNDS: CONTROLLED SUBSTANCE OFFENSE (CSO) CRIME AGAINST CHILDREN (CAC) CRIME OF DOM. VIOL., ETC. (CODV) FIREARM OFFENSE (FO) PROSTITUTION
<b>False swearing</b> Fourth degree	2C:28-2	If term of imprisonment of at least one year is imposed, might be deemed a Aperjury or obstruction of justice@ AF, or if the loss to any victim(s) exceeds \$10,000, might be deemed a Afraud or deceit@ AF. (Unlike federal definition of perjury, no requirement that the false swearing is on a Amaterial matter@).	Would probably be considered a CIMT.	
<b>Unsworn falsification to authorities</b> (a) Fourth degree (b) Disorderly persons offense	2C:28-3	If term of imprisonment of at least one year is imposed, might be deemed a Aperjury or obstruction of justice@ AF, or if the loss to any victim(s) exceeds \$10,000, might be deemed a Afraud or deceit@ AF.	Might be considered a CIMT.	

**OBSTRUCTING GOVERNMENTAL OPERATIONS; ESCAPES**

<b>Obstructing administration of law or other governmental function.</b> (a) Disorderly persons offense (b) Fourth degree	2C:29-1	If term of imprisonment of at least one year is imposed, might be deemed a Acrime of violence@ AF, or an Aobstruction of justice@ AF depending on what the record reflects.	Probably NOT.	
<b>Resisting arrest; Eluding officer</b> (a)(1) Disorderly persons offense (a)(2) Fourth degree (a)(3) Third degree (b) Second or third degree	2C:29-2	If term of imprisonment of at least one year is imposed, conviction under subsection (a)(3), or of a second degree offense under subsection (b), would probably be deemed a Acrime of violence@ AF.	Conviction under subsection (a)(3)(a) or of a second degree offense under subsection (b) might be considered a CIMT.	
<b>Hindering apprehension or prosecution</b> Second, third, or fourth degree or disorderly persons offense	2C:29-3	If term of imprisonment of at least one year is imposed, would probably be deemed an Aobstruction of justice@ AF.	Might be considered a CIMT.*	

OFFENSE	NEW JERSEY CODE SECTION	AGGRAVATED FELONY (AF)?	CRIME INVOLVING MORAL TURPITUDE (CIMT)?	OTHER GROUNDS: CONTROLLED SUBSTANCE OFFENSE (CSO) CRIME AGAINST CHILDREN (CAC) CRIME OF DOM. VIOL., ETC. (CODV) FIREARM OFFENSE (FO) PROSTITUTION
<b>Bail jumping</b> Third or fourth degree, disorderly persons or petty disorderly persons offense	2C:29-7	If convicted of the offense in the third degree, would probably be deemed a Afailure to appear@ AF.	No.	
<b>Contempt</b> (a) Fourth degree (b) Fourth degree or disorderly persons offense.	2C:29-9	If term of imprisonment of at least one year is imposed, might be deemed an Aobstruction of justice@ or a Acrime of violence@ AF.	Might be considered a CIMT.	Might be considered a CODV or trigger deportability under "violation of protection order" provision.

### RIOT, DISORDERLY CONDUCT, AND RELATED OFFENSES

<b>Riot; Failure to disperse</b> (a)(1), (2) Fourth degree (a)(3) Third degree (b) Disorderly persons offense	2C:33-1	If term of imprisonment of at least one year is imposed, conviction under subsection (a) might be deemed Acrime of violence@ AF.	Conviction under subsection (a)(3) would probably be considered a CIMT, or if underlying offense involves moral turpitude, conviction under (a)(1) might be considered CIMT.	Conviction under subsection (a)(3) would probably be considered a FO if record of conviction establishes that offense involved a firearm or destructive device (as defined in 18 U.S.C. ' 921(a)).
<b>Disorderly conduct</b> Petty disorderly persons offense	2C:33-2	NO.	NO.	
<b>Wandering, remaining in or prowling public places with purpose of obtaining or selling controlled substances</b> Disorderly persons offense	2C:33-2.1	NO.	NO.	Might be considered a CSO if record of conviction establishes a controlled substance as defined in 21 U.S.C. ' 802.
<b>False public alarms</b> (a) Third degree (b) Third degree (c) Second degree (e) Disorderly persons offense	2C:33-3	If term of imprisonment of at least one year is imposed, might be deemed a Acrime of violence@ AF.	Might be considered a CIMT.	

OFFENSE	NEW JERSEY CODE SECTION	AGGRAVATED FELONY (AF)?	CRIME INVOLVING MORAL TURPITUDE (CIMT)?	OTHER GROUNDS: CONTROLLED SUBSTANCE OFFENSE (CSO) CRIME AGAINST CHILDREN (CAC) CRIME OF DOM. VIOL., ETC. (CODV) FIREARM OFFENSE (FO) PROSTITUTION
<b>Harassment</b> (a)-(d) Petty disorderly persons offense (e) Fourth degree	2C:33-4	If a term of imprisonment of at least one year is imposed, conviction under subsection (e), would probably be deemed a Acrime of violence@ AF if record of conviction shows that basis of conviction was for an offense under subsection (b).	Might be considered a CIMT.	If victim was a current or former spouse or similarly situated individual, conviction might be considered a CODV, or trigger deportability under CODV clause regarding Acrime of stalking@
<b>Obstructing highways or public passages</b> Petty disorderly persons offense	2C:33-7	NO.	NO.	
<b>Causing fear of unlawful bodily violence</b> Third degree	2C:33-10	If term of imprisonment of at least one year is imposed, might be deemed a Acrime of violence@ AF.	Might be considered a CIMT, particularly if record reflects P or K intent.	If victim was a current or former spouse or similarly situated individual, conviction might be considered a CODV.
<b>Maintaining a nuisance</b> (a),(b) Disorderly persons offense (c) Fourth degree	2C:33-12	Conviction under subsection (c) might be deemed a Aprostitution business@ AF.	Conviction under subsection (a) or (b) might be considered a CIMT, particularly if under subsection (a) record reflects K intent and under (b) the underlying offense involves moral turpitude; conviction under subsection (c) would probably be considered a CIMT.	Conviction under subsection (c) might trigger Aprostitution or commercialized vice@ inadmissibility.
<b>Sexually oriented business</b> Fourth degree	2C:33-12.2	Probably NOT (risk that might be deemed a Aprostitution business@ AF less than with respect to conviction under 2C:33-12(c) because no express prostitution element).	Might be considered a CIMT.	Conviction might trigger Aprostitution or commercialized vice@ inadmissibility.

OFFENSE	NEW JERSEY CODE SECTION	AGGRAVATED FELONY (AF)?	CRIME INVOLVING MORAL TURPITUDE (CIMT)?	OTHER GROUNDS: CONTROLLED SUBSTANCE OFFENSE (CSO) CRIME AGAINST CHILDREN (CAC) CRIME OF DOM. VIOL., ETC. (CODV) FIREARM OFFENSE (FO) PROSTITUTION
<b>Interference with transportation</b> Second, third or fourth degree or disorderly persons offense	2C:33-14	If term of imprisonment of at least one year is imposed, conviction under subsection (c), (d) or (e) might be deemed a <b>Crime of violence</b> @ AF.	Conviction under subsection (c) or (d) might be considered a CIMT if record reflects purposeful or knowing intent; conviction under subsection (e) would probably be considered a CIMT.	
<b>Possession or consumption of alcoholic beverage by person under legal age</b> Disorderly persons offense	2C:33-15	NO.	NO.	
<b>Solicitation, recruitment to join street gang</b> (a) Fourth degree (b) Third degree (c) Second degree	2C:33-28	If term of imprisonment of at least one year is imposed, conviction under subsection (b) or (c) would probably be deemed <b>Crime of violence</b> @ AF.	Conviction might be considered CIMT, particularly if underlying criminal conduct involves moral turpitude.	
<b>PUBLIC INDECENCY</b>				
<b>Prostitution and related offenses</b> (b)(1) First time: disorderly persons offense; subsequent: fourth degree (b)(2) Third or fourth degree (b)(3), (4) Second degree (b)(5),(6),(7) Third degree	2C:34-1	Conviction under subsections (b)(2)-(6) might be deemed <b>Prostitution business</b> @ AF. Conviction under subsection (b)(3),(4) and (7) might also be deemed <b>Sexual abuse of a minor</b> @ AF.	Conviction would probably be considered CIMT.	Might trigger <b>Prostitution</b> @ inadmissibility. Conviction under subsection (b)(3), (4), or (7) might also be considered a CAC.
<b>Loitering for the purpose of engaging in prostitution</b> Disorderly persons offense	2C:34-1.1	NO.	Might be considered a CIMT.	Might trigger <b>Prostitution</b> @ inadmissibility@.

OFFENSE	NEW JERSEY CODE SECTION	AGGRAVATED FELONY (AF)?	CRIME INVOLVING MORAL TURPITUDE (CIMT)?	OTHER GROUNDS: CONTROLLED SUBSTANCE OFFENSE (CSO) CRIME AGAINST CHILDREN (CAC) CRIME OF DOM. VIOL., ETC. (CODV) FIREARM OFFENSE (FO) PROSTITUTION
<b>Obscenity for persons 18 years of age or older</b> Fourth degree	2C:34-2	Might be deemed a child pornography@ AF if record reflects an offense as described in 18 U.S.C. ' ' 2251, 2251A, or 2252.	Might be considered a CIMT.	
<b>Obscenity for persons under 18</b> Third degree	2C:34-3	Conviction under subsection (b) might be deemed a child pornography@ AF if record reflects an offense as described in 18 U.S.C. ' ' 2251, 2251A, or 2252. Conviction might also be deemed a sexual abuse of a minor@ AF.	Might be considered a CIMT.	

**CONTROLLED DANGEROUS SUBSTANCES**

<b>Leader of narcotics trafficking network</b> First degree	2C:35-3	If record of conviction establishes a controlled substance as defined in 21 U.S.C. ' 802, would be deemed a drug trafficking@ AF.	Would probably be considered a CIMT.	Would be considered a CSO if record of conviction establishes a controlled substance as defined in 21 U.S.C. ' 802.
<b>Maintaining or operating a controlled dangerous substance production facility</b> First degree	2C:35-4	If record of conviction establishes a controlled substance as defined in 21 U.S.C. ' 802, would be deemed a drug trafficking@ AF.	Would probably be considered a CIMT.	Would be considered a CSO if record of conviction establishes a controlled substance as defined in 21 U.S.C. ' 802.
<b>Booby traps in manufacturing or distribution facilities; Fortified premises</b> (b) First or second degree (c) Third degree	2C:35-4.1	If record of conviction establishes a controlled substance as defined in 21 U.S.C. ' 802, might be deemed a drug trafficking@ AF. If term of imprisonment of at least one year is imposed, conviction under subsection (b) might also be deemed a crime of violence@ AF.	Might be considered a CIMT.	Might be considered a CSO if record of conviction establishes a controlled substance as defined in 21 U.S.C. ' 802. Might also be considered a FO if record of conviction establishes that a booby trap@ is a firearm or a destructive device@ (as defined in 18 U.S.C. ' 921(a)).
<b>Manufacturing, distributing or dispensing</b> First, second, third or fourth degree (Depending on substance and amount)	2C:35-5	If record of conviction establishes a controlled substance as defined in 21 U.S.C. ' 802, would be deemed a drug trafficking@ AF.	Would probably be considered a CIMT.	Would probably be considered a CSO if record of conviction establishes a controlled substance as defined in 21 U.S.C. ' 802.

OFFENSE	NEW JERSEY CODE SECTION	AGGRAVATED FELONY (AF)?	CRIME INVOLVING MORAL TURPITUDE (CIMT)?	OTHER GROUNDS: CONTROLLED SUBSTANCE OFFENSE (CSO) CRIME AGAINST CHILDREN (CAC) CRIME OF DOM. VIOL., ETC. (CODV) FIREARM OFFENSE (FO) PROSTITUTION
<b>Employing a juvenile in a drug distribution scheme</b> Second degree	2C:35-6	If record of conviction establishes a controlled substance as defined in 21 U.S.C. ' 802, would be deemed a Adrug trafficking@ AF.	Would probably be considered a CIMT.	Would probably be considered a CSO if record of conviction establishes a controlled substance as defined in 21 U.S.C. ' 802.
<b>Controlled dangerous substances near or on school property</b> Third degree	2C:35-7	If record of conviction establishes a controlled substance as defined in 21 U.S.C. ' 802, would be deemed a Adrug trafficking@ AF.	Would probably be considered a CIMT.	Would probably be considered a CSO if record of conviction establishes a controlled substance as defined in 21 U.S.C. ' 802.
<b>Distributing, dispensing or possessing within 500 feet of certain public property</b> Second or third degree	2C:35-7.1	If record of conviction establishes a controlled substance as defined in 21 U.S.C. ' 802, would be deemed a Adrug trafficking@ AF.	Would probably be considered a CIMT.	Would probably be considered a CSO if record of conviction establishes a controlled substance as defined in 21 U.S.C. ' 802.
<b>Strict liability for drug induced deaths</b> First degree	2C:35-9	If record of conviction establishes a controlled substance as defined in 21 U.S.C. ' 802, would be deemed a Adrug trafficking@ AF.	Would probably be considered a CIMT.	Would probably be considered a CSO if record of conviction establishes a controlled substance as defined in 21 U.S.C. ' 802.
<b>Possession, use or being under the influence of or failure to make lawful disposition</b> Third or fourth degree, or disorderly persons offense	2C:35-10(a)	Would probably NOT be deemed a Adrug trafficking@ AF under current Third Circuit case law, unless conviction is for possession of more than 5g of cocaine base or any amount of flunitrazepam, in which case might be deemed Adrug trafficking@ AF (see <u>Gerbier v. Holmes</u> , 280 F.3d 297 (3d Cir. 2002), <u>Steele v. Blackman</u> , 236 F.3d 130 (3d Cir. 2001)). If later removal hearing takes place outside the Third Circuit, however, conviction for possession of a controlled substance as defined in 21 U.S.C. ' 802, unless as a disorderly persons offense, would probably be deemed a Adrug trafficking@ AF (see <u>Yanez-Garcia</u> , 23 I.& N. Dec. 390 (BIA 2002)).	Would probably NOT be considered a CIMT.	Would probably be considered a CSO if record of conviction establishes a controlled substance as defined in 21 U.S.C. ' 802.

OFFENSE	NEW JERSEY CODE SECTION	AGGRAVATED FELONY (AF)?	CRIME INVOLVING MORAL TURPITUDE (CIMT)?	OTHER GROUNDS: CONTROLLED SUBSTANCE OFFENSE (CSO) CRIME AGAINST CHILDREN (CAC) CRIME OF DOM. VIOL., ETC. (CODV) FIREARM OFFENSE (FO) PROSTITUTION
<p><b>Obtaining by fraud</b> Third degree</p>	<p>2C:35-13</p>	<p>If record reflects conviction under provision regarding obtaining a CDS by misrepresentation, etc., would probably NOT be deemed a Adrug trafficking@ AF under current Third Circuit case law, unless conviction is for possession of more than 5g of cocaine base or any amount of flunitrazepan, in which case might be deemed Adrug trafficking@ AF (see <u>Gerbier v. Holmes</u>, 280 F.3d 297 (3d Cir. 2002), <u>Steele v. Blackman</u>, 236 F.3d 130 (3d Cir. 2001)). If later removal hearing takes place outside the Third Circuit, however, conviction under this provision would probably be deemed a Adrug trafficking@ AF (see <u>In Re Yanez-Garcia</u>, 23 I.&amp; N. Dec. 390 (BIA 2002)). If record reflects conviction under provision regarding obtaining a CDS by misrepresentation, etc., AND if loss to any victim(s) exceeds \$10,000 would probably also be deemed a Afraud or deceit@ AF. If record reflects conviction under provision regarding obtaining a forged or fraudulent certificate AND if term of imprisonment of at least one year is imposed, would probably be deemed a Aforgery@ AF.</p>	<p>Would probably be considered a CIMT.</p>	<p>Would probably be considered a CSO if record of conviction establishes a controlled substance as defined in 21 U.S.C. ' 802.</p>
<p><b>Possession of certain prescription drugs</b> Disorderly persons offense</p>	<p>2C:35-24</p>	<p>Probably NOT an AF.</p>	<p>Probably NOT a CIMT.</p>	<p>Would probably be considered a CSO if record of conviction establishes a controlled substance as defined in 21 U.S.C. ' 802.</p>

**FIREARMS, OTHER DANGEROUS WEAPONS AND INSTRUMENTS OF CRIME**

OFFENSE	NEW JERSEY CODE SECTION	AGGRAVATED FELONY (AF)?	CRIME INVOLVING MORAL TURPITUDE (CIMT)?	OTHER GROUNDS: CONTROLLED SUBSTANCE OFFENSE (CSO) CRIME AGAINST CHILDREN (CAC) CRIME OF DOM. VIOL., ETC. (CODV) FIREARM OFFENSE (FO) PROSTITUTION
<p><b>Prohibited weapons and devices</b>                      (a) Third degree                      (b) Third degree                      (c) Fourth degree                      (d) Fourth degree                      (e) Fourth degree                      (f) Fourth degree                      (h) Fourth degree                      (j) Fourth degree                      (k) Disorderly persons offense</p>	<p>2C:39-3</p>	<p>If record of conviction establishes an offense akin to one described in 18 U.S.C. ' 922 (g)(1), (2), (3), (4), or (5), (j), (n), (o), (p), or (r), 18 U.S.C. ' 924 (b) or (h), or 26 U.S.C. ' 5861, conviction under subsection (a), (b), (c), or (d) would probably be deemed a "firearm offense" AF. If term of imprisonment of at least one year is imposed, conviction under subsection (a)-(j) might also be deemed a "crime of violence" AF.</p>	<p>Because statute does not require intent to use, conviction would probably not be considered a CIMT.</p>	<p>Conviction under subsections (a),(b),(c) or (d) would be considered a FO if record of conviction establishes that offense involved a firearm or destructive device (as defined in 18 U.S.C. ' 921(a)).</p>
<p><b>Possession of weapons for unlawful purposes</b>                      (a) Second degree                      (b) Second degree                      (c) Second degree                      (d) Third degree                      (e) Fourth degree</p>	<p>2C:39-4</p>	<p>If record of conviction establishes an offense akin to one described in 18 U.S.C. ' 922 (g)(1), (2), (3), (4), or (5), (j), (n), (o), (p), or (r), 18 U.S.C. ' 924 (b) or (h), or 26 U.S.C. ' 5861, conviction under subsection (a)-(c) would probably be deemed a "firearm offense" AF. If term of imprisonment of at least one year is imposed, conviction under subsection (a)-(d) might also be deemed a "crime of violence" AF.</p>	<p>Conviction under subsections (a)-(d) would probably be considered a CIMT; conviction under subsection (e) might be considered a CIMT.</p>	<p>Conviction under subsection (a)-(c) would be considered a FO if record of conviction establishes that offense involved a firearm or destructive device (as defined in 18 U.S.C. ' 921(a)).</p>
<p><b>Possession of weapons during commission of certain crimes</b>                      Second degree</p>	<p>2C:39-4.1(1)(a)</p>	<p>If record of conviction establishes an offense akin to one described in 18 U.S.C. ' 922 (g)(1), (2), (3), (4), or (5), (j), (n), (o), (p), or (r), 18 U.S.C. ' 924 (b) or (h), or 26 U.S.C. ' 5861, conviction would probably be deemed "firearm offense" AF. If underlying offense is considered a crime of violence@ (as defined in 18 U.S.C. ' 16) and sentenced to term of imprisonment of at least one year, conviction might also be deemed "crime of violence" AF.</p>	<p>If the underlying offense involved MT, would probably be considered a CIMT.</p>	<p>Would be considered a FO if record of conviction establishes that offense involved a firearm or destructive device (as defined in 18 U.S.C. ' 921(a)). Might be considered a CSO if record of conviction establishes that underlying offense involved a controlled substance as defined in 21 U.S.C. ' 802.</p>
<p><b>Possession of weapons during commission of certain crimes</b>                      Second degree</p>	<p>2C:39-4.1(1)(b)</p>	<p>If sentenced to a term of imprisonment of at least one year, would probably be deemed a crime of violence@ AF.</p>	<p>Would probably be considered a CIMT.</p>	<p>Might be considered a CSO if record of conviction establishes that underlying offense involved a controlled substance as defined in 21 U.S.C. ' 802.</p>

OFFENSE	NEW JERSEY CODE SECTION	AGGRAVATED FELONY (AF)?	CRIME INVOLVING MORAL TURPITUDE (CIMT)?	OTHER GROUNDS: CONTROLLED SUBSTANCE OFFENSE (CSO) CRIME AGAINST CHILDREN (CAC) CRIME OF DOM. VIOL., ETC. (CODV) FIREARM OFFENSE (FO) PROSTITUTION
<b>Possession of weapons during commission of certain crimes</b> Second degree	2C:39-4.1(1)(c)	If underlying offense would be considered a crime of violence (as defined in 18 U.S.C. ' 16) and sentenced to a term of imprisonment of at least one year, might be deemed a "crime of violence" AF.	If underlying offense involved MT, conviction would probably be considered a CIMT.	Might be deemed a CSO if record of conviction establishes that underlying offense involves a controlled substance as defined in 21 U.S.C. ' 802.
<b>Unlawful possession of weapons</b> (a), (b), (c), (e) Third degree (d) Fourth degree	2C:39-5(a)	If record of conviction establishes an offense akin to one described in 18 U.S.C. ' 922 (g)(1), (2), (3), (4), or (5), (j), (n), (o), (p), or (r), 18 U.S.C. ' 924 (b) or (h), or 26 U.S.C. ' 5861, conviction would probably be deemed a "firearm offense" AF. If sentenced to a term of imprisonment of at least one year, might also be deemed a "crime of violence" AF.	Because no intent to use the weapon required, would probably NOT be considered a CIMT.	Would be considered a FO if record of conviction establishes that offense involved a firearm or destructive device (as defined in 18 U.S.C. ' 921(a)). Note that the text of subsection (d) does not specify a type of weapon and should NOT be considered a FO unless record of conviction establishes that offense involved a firearm or destructive device (as defined in 18 U.S.C. ' 921(a)).
<b>Certain persons not to have weapons</b> (a) Fourth degree (b) Second degree.	2C:39-7	If record of conviction establishes an offense akin to one described in 18 U.S.C. ' 922 (g)(1), (2), (3), (4), or (5), (j), (n), (o), (p), or (r), 18 U.S.C. ' 924 (b) or (h), or 26 U.S.C. ' 5861, conviction would probably be deemed a "firearm offense" AF. If sentenced to a term of imprisonment of at least one year, might also be deemed a "crime of violence" AF.	Because no intent to use the weapon required, would probably NOT be considered a CIMT.	Would probably be considered a FO if record of conviction establishes that offense involved a firearm or destructive device (as defined in 18 U.S.C. ' 921(a)).

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<p><b>Manufacture, transport, disposition and defacement of weapons and dangerous instruments and appliances</b></p> <p>(a) Third degree (machine guns) (b) Third degree (sawed-off shotguns) (c) Fourth degree (firearm silencers) (d) Fourth degree (weapons) (e) Fourth degree (defaced firearms) (f) Fourth degree (armor penetrating bullets) (g) Third degree (assault firearms) (h) Fourth degree (large capacity ammunition magazines)</p>	<p>2C:39-9(a)</p>	<p>If record of conviction establishes that offense involved a firearm or destructive device (as defined in 18 U.S.C. ' 921(a)), or an explosive device (as defined in 18 U.S.C. ' 841(c), would probably be deemed an Aillicit trafficking@ AF; or if record of conviction establishes an offense akin to one described in 18 U.S.C. ' 922 (g)(1), (2), (3), (4), or (5), (j), (n), (o), (p), or (r), 18 U.S.C. ' 924 (b) or (h), or 26 U.S.C. ' 5861, conviction would probably be deemed a "firearm offense" AF. If sentenced to a term of imprisonment of at least one year, might also be deemed a "crime of violence" AF.</p>	<p>Because no intent to use the weapon required, conviction under subsections (a),(b), (c),(g),would probably NOT be considered a CIMT. Conviction under subsection (d) might be considered a CIMT if record of conviction demonstrates that the conviction is under the provision requiring intent to use. Conviction under subsection (f) or (h) might be considered a CIMT depending on what record reflects regarding intended purpose.</p>	<p>Would probably be considered a FO if record of conviction establishes that offense involved a firearm or destructive device (as defined in 18 U.S.C. ' 921(a)).</p>
<p><b>Sale of handcuffs to a person under 18</b> Disorderly persons offense</p>	<p>2C:39-9.2</p>	<p>Probably NOT.</p>	<p>NO.</p>	
<p><b>Pawnbrokers; loaning on firearms</b></p> <p>(a) Third degree (b) Disorderly persons offense</p>	<p>2C:39-11</p>	<p>Conviction under subsection (a) might be deemed an Aillicit trafficking@ AF; or if record of conviction establishes an offense akin to one described in 18 U.S.C. ' 922 (g)(1), (2), (3), (4), or (5), (j), (n), (o), (p), or (r), 18 U.S.C. ' 924 (b) or (h), or 26 U.S.C. ' 5861, conviction might be deemed a "firearm offense" AF.</p>	<p>Would probably NOT be considered a CIMT.</p>	<p>Conviction under subsection (a) might be deemed a FO if record of conviction establishes that offense involved a firearm or destructive device (as defined in 18 U.S.C. ' 921(a)).</p>

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<p><b>Training, practice or instruction in use, application or making of firearm, explosive device or technique capable of causing injury for illegal activity</b> Second degree</p>	<p>2C:39-14</p>	<p>If sentenced to a term of imprisonment of at least one year, might be deemed a crime of violence@ AF; or if record of conviction establishes an offense akin to one described in 18 U.S.C. ' 922 (g)(1), (2), (3), (4), or (5), (j), (n), (o), (p), or (r), 18 U.S.C. ' 924 (b) or (h), or 26 U.S.C. ' 5861, conviction would probably be deemed a "firearm offense" AF.</p>	<p>Might be considered a CIMT.</p>	<p>Might be deemed a FO if record of conviction establishes that offense involved a firearm or destructive device (as defined in 18 U.S.C. ' 921(a)).</p>
<p><b>Leader of firearms trafficking network</b> First degree</p>	<p>2C:39-16</p>	<p>If record of conviction establishes that offense involved a firearm or destructive device (as defined in 18 U.S.C. ' 921(a)), or an explosive device (as defined in 18 U.S.C. ' 841(c), would probably be deemed an Illicit trafficking@ AF. If sentenced to a term of imprisonment of at least one year, might also be deemed a "crime of violence" AF.</p>	<p>Would probably be considered a CIMT.</p>	<p>Would probably be considered a FO if record of conviction establishes that offense involved a firearm or destructive device (as defined in 18 U.S.C. ' 921(a)).</p>