QUICK REFERENCE CHART

Immigration Consequences of Selected New Jersey Criminal Offenses

Criminal Inadmissibility and Deportability Analysis of N.J.S.A. Title 2C

For Criminal Defense and Immigration Attorneys

Lead and Primary Author

Derek A. DeCosmo, Esq.

Managing Partner, DeCosmo Law

Adjunct Crimmigration Law Professor, Rutgers School of Law

2026 Edition

Current through November 11, 2026

FOR LICENSED ATTORNEYS ONLY — NOT LEGAL ADVICE — A STARTING POINT, NOT AN END POINT — INDEPENDENT RESEARCH REQUIRED

© 2026 Derek A. DeCosmo. All rights reserved. See Preamble § 8 for permitted uses.

IMPORTANT DISCLAIMER — READ BEFORE USING THIS CHART

FOR LICENSED ATTORNEYS ONLY. This Chart is intended solely for use by attorneys licensed to practice law who represent noncitizens in criminal or immigration matters. It is not intended for, and should not be used by, non-attorneys, defendants, respondents, or members of the public. Anyone who is not a licensed attorney and who has a question about immigration consequences should consult a qualified immigration attorney.

NOT LEGAL ADVICE. Nothing in this Chart is legal advice, and no attorney-client relationship is created by its preparation, distribution, or use. The analyses, ratings, comments, and strategies are general in nature, reflect the author's and contributors' professional judgment at the time of writing, and may be incomplete, contested, or wrong as applied to a particular client, statute, record of conviction, or forum.

INDEPENDENT RESEARCH IS REQUIRED. Users must conduct their own independent research and analysis in every case and must not rely on this Chart alone. Immigration and criminal law change frequently, and the outcome in any case depends on facts this Chart cannot account for, including the client's immigration status and history, complete criminal record, the precise statutory subsection and record of conviction, the sentence imposed, and the jurisdiction in which removal proceedings take place. Every case, statute, regulation, and policy cited must be read in full and checked for subsequent history before it is relied on.

A STARTING POINT, NOT AN END POINT. This Chart is designed to help immigration and criminal defense lawyers identify issues and begin their analysis. It is not a substitute for individualized research, for consultation with experienced immigration counsel, or for the exercise of professional judgment. Counsel remain solely responsible for the advice they give their clients, including advice required by *Padilla v. Kentucky*, 559 U.S. 356 (2010).

NO WARRANTY. The Chart is provided "as is," without any warranty as to its accuracy, completeness, or currency. The author, contributors, and DeCosmo Law disclaim all liability for any action taken or not taken in reliance on it.

TABLE OF CONTENTS

PART ONE: PREAMBLE 5
1. About This Chart 5
2. The Lens of This Chart: Criminal Inadmissibility and Criminal Deportability 5
3. How to Read the Chart 7
4. The Categorical Approach in the Third Circuit 8
5. What Counts as a “Conviction” in New Jersey 8
6. Representation Checklist and New Jersey Practice Points 10
7. Statuses and Programs With Their Own Criminal Rules: TPS, DACA, and Asylum 10
8. Authorship, Sources, Acknowledgements, and Contact 12
PART TWO: QUICK REFERENCE CHART 14
2C:11 – Homicide, Murder, Manslaughter 14
2C:11A – Human Cloning 18
2C:12 – Assault 19
2C:13 – Kidnapping 27
2C:14 – Sexual Assault 30
2C:15 – Robbery and Carjacking 35
2C:16 – Bias Intimidation 37
2C:17 – Arson and Related Crimes 38
2C:18 – Burglary 53
2C:20 – Theft 56
2C:21 – Forgery and Fraudulent Practices 68
2C:22 – Disturbing Human Remains 90
2C:24 – Endangering Welfare 92
2C:25 – Domestic Violence 99
2C:27 – Bribery and Corruption 103
2C:28 – Perjury and Other Falsification 108
2C:29 – Obstructing, Escape, Contempt, etc 113

2C:30 – Official Misconduct..... 121
2C:33 – Public Nuisance, Riot, Alarm, etc.....123
2C:34 – Prostitution and Obscenity.....134
2C:35 – Controlled Substances.....136
2C:35A – Anti-Drug Profiteering Act..... 145
2C:35B – Drug Dealer Liability Act..... 146
2C:36 – Drug Paraphernalia..... 148
2C:36A – Conditional Discharge for Certain Offenses.....150
2C:37 – Gambling.....151
2C:38 – Terrorism.....152
2C:39 – Weapons and Firearms.....154
2C:40 – Miscellaneous..... 162
APPENDIX A: Federal Decisions Construing New Jersey Statutes, 2017–2026.....166
APPENDIX B: Effect of Criminal Records on Common Forms of Relief..... 168
APPENDIX C: Note on Federal Sentencing Consequences (ACCA and Guidelines).....169

PART ONE: PREAMBLE

1. About This Chart

This chart gives criminal defense and immigration attorneys a starting point for assessing the immigration consequences of a conviction under selected provisions of the New Jersey Code of Criminal Justice (Title 2C). For each statute it states whether a conviction will or might be classified as an aggravated felony, a crime involving moral turpitude, or another category that triggers a criminal ground of inadmissibility or deportability, and it offers case law and defense strategies.

Defense counsel must advise a noncitizen client of the deportation consequences of a plea. *Padilla v. Kentucky*, 559 U.S. 356 (2010). New Jersey recognized an overlapping duty not to give false or misleading advice in *State v. Nuñez-Valdéz*, 200 N.J. 129 (2009); *Padilla* does not apply retroactively in New Jersey to pleas entered before it was decided. *State v. Gaitan*, 209 N.J. 339 (2012).

> **This chart is deliberately conservative.** Its ratings are meant to keep counsel from *underestimating* risk at the plea stage. A rating of "PROBABLY" or "MIGHT" does not mean that good arguments are unavailable in removal proceedings; often they are, and the Comments column identifies many of them. But a plea decision should be made on the assumption that the government will press the less favorable classification and that the client may litigate it in an unfavorable forum.

Not legal advice; for licensed attorneys only. Read the Important Disclaimer at the front of this Chart before using it. The Chart is written exclusively for licensed attorneys. It is a starting point for research and analysis, not an end point. It does not replace counsel's own independent research, and it must never be the sole basis for advice to a client. Every authority cited should be read in full and updated before it is relied on. Several decisions cited are non-precedential; they are identified as such.

Governing law and forum. Removal cases arising in New Jersey are reviewed by the Third Circuit, and the chart is built on Third Circuit and Board of Immigration Appeals (BIA) authority, with Supreme Court decisions supplying the method. Counsel should not assume that Third Circuit law will govern: a detained client may be transferred and placed in proceedings in another circuit (frequently the Fifth), and the law of the circuit where the immigration court sits will control. Where the circuits differ (as on 2C:35-7, discussed in the chart), the conservative assumption is that the less favorable rule will apply.

Currency. This 2026 draft incorporates research current through November 11, 2026, including *Ndungu v. Att'y Gen.*, 126 F.4th 150 (3d Cir. 2025) and *Wong v. Blanche*, No. 22-6185 (2d Cir. Aug. 19, 2026). Immigration law in this area changes quickly; check for later developments before relying on any entry.

2. The Lens of This Chart: Criminal Inadmissibility and Criminal Deportability

Each statute is analyzed through two sets of criminal provisions in the Immigration and Nationality Act (INA): the criminal **grounds of inadmissibility**, INA § 212(a)(2), 8 U.S.C. § 1182(a)(2), and the criminal **grounds of deportability (removability)**, INA § 237(a)(2), 8 U.S.C. § 1227(a)(2). Which set matters depends on the client's status and goals.

- **Deportability** applies to noncitizens who have been *admitted*: lawful permanent residents (LPRs), refugees and asylees who have adjusted, and nonimmigrant visa holders. Most deportability grounds require a *conviction* after admission.

- **Inadmissibility** applies to anyone seeking admission or lawful status: noncitizens who entered without inspection and want to adjust status, applicants for an immigrant visa abroad, and LPRs who travel and are treated as seeking a new admission because they have committed an offense identified in § 212(a)(2). INA § 101(a)(13)(C)(v). Some inadmissibility grounds are triggered without a conviction, by a formal *admission* of the essential elements of an offense or by the government's "reason to believe" the person is a drug trafficker.
- The same grounds also operate as **bars to relief**. Non-LPR cancellation of removal is barred by conviction of an offense "described in" the criminal inadmissibility or deportability grounds, even for a person who was never admitted, INA § 240A(b)(1)(C); and committing an offense referred to in § 212(a)(2) that renders the person inadmissible or deportable stops the clock for both forms of cancellation. INA § 240A(d)(1); *Barton v. Barr*, 590 U.S. 222 (2020).

The columns of the chart track these grounds. The **Aggravated Felony** column addresses INA § 101(a)(43) (a deportability ground and a bar to most relief). The **Crime Involving Moral Turpitude** column addresses both the inadmissibility ground and the two deportability grounds. The **Other Grounds** column flags controlled substance offenses (CSO), firearm offenses (FO), crimes of domestic violence, stalking, child abuse, and protective-order violations (CODV / CAC), and prostitution and commercialized vice. The following table summarizes how each category operates.

Category	Inadmissibility (INA § 212(a)(2))	Deportability (INA § 237(a)(2))
Crime involving moral turpitude (CIMT)	Conviction or formal admission of one CIMT. Exceptions: (1) **petty offense** — only one CIMT, maximum possible penalty of 1 year or less, and sentence imposed of 6 months or less; (2) **youthful offender** — committed under age 18 and more than 5 years before the application. Waiver under § 212(h) may be available.	(1) One CIMT committed within 5 years after admission for which a sentence of 1 year or longer *may* be imposed; or (2) two or more CIMTs, not arising out of a single scheme, at any time after admission.
Controlled substance offense (CSO)	Conviction or formal admission of any offense relating to a federally controlled substance; "reason to believe" drug trafficking (§ 212(a)(2)(C)); drug abuser or addict (§ 212(a)(1)(A)(iv)). § 212(h) can waive only a single offense of simple possession of 30 grams or less of marijuana.	Any conviction relating to a federally controlled substance, except a single offense of possession of 30 grams or less of marijuana for one's own use; drug abuser or addict (§ 237(a)(2)(B)(ii)).
Aggravated felony (AF)	No AF ground of inadmissibility as such, but most AFs are also CIMTs or CSOs, and an AF bars many waivers and forms of relief.	Yes, any time after admission. Also mandatory detention, a permanent bar to most relief and to good moral character, and enhanced penalties for illegal reentry.
Firearm offense (FO)	No separate ground (a discretionary negative factor).	Yes — any conviction for purchasing, selling, possessing, using, or carrying a firearm or destructive device as defined in 18 U.S.C. § 921(a).
Domestic violence, stalking, child abuse/neglect/abandonment; protective-order violations	No separate ground (the offense may independently be a CIMT).	Yes, for convictions after admission; a protective-order violation is a ground based on a civil or criminal court finding, without a conviction (§ 237(a)(2)(E)(ii)).
Prostitution and commercialized vice	Engaging in prostitution, procuring, or receiving its proceeds within 10 years (conduct-based; no conviction needed).	No separate ground, but the offense may be a CIMT or an AF (e.g., § 101(a)(43)(K)).
Multiple convictions	Two or more convictions of any offenses with aggregate sentences of confinement of 5 years or more.	No separate ground.
Other	Human trafficking (§ 212(a)(2)(H)); certain foreign-government	Failure to register as a sex offender (§ 237(a)(2)(A)(v)); high-speed flight from

Category	Inadmissibility (INA § 212(a)(2))	Deportability (INA § 237(a)(2))
	officials; fraud or willful misrepresentation and false claims to U.S. citizenship (§ 212(a)(6)(C)).	an immigration checkpoint (§ 237(a)(2)(A)(iv)); document fraud and false claims to citizenship (§ 237(a)(3)).

What the chart does not address statute by statute. Several immigration statuses and quasi-statuses have their own, separate criminal eligibility rules that do not track the inadmissibility and deportability grounds: **Temporary Protected Status (TPS)**, **Deferred Action for Childhood Arrivals (DACA)**, and **asylum** (with the related protections of withholding of removal and the Convention Against Torture). A conviction that triggers no ground in this chart can still disqualify a client from one of these programs. Those rules are summarized in Section 7 of this Preamble and are not repeated in the individual statute entries. Counsel with a client who holds or may seek one of these benefits must analyze the program's own criteria separately.

3. How to Read the Chart

The chart follows the order of Title 2C by chapter. Within each chapter, each row gives the offense, the New Jersey code section, and the assessment in four columns. Rows describing definitions, grading, penalties, or procedure are retained for completeness and shaded; they have no independent immigration analysis. Chapter-level practice notes introduce chapters with significant recent case law.

Rating	Meaning in this chart
YES	Binding authority or a clear categorical match. Advise that the consequence will follow (subject to any stated condition, such as a sentence of 1 year or more).
PROBABLY	The better reading, or the government's likely position, is that the consequence follows. Advise the client as though it will.
MIGHT	The risk cannot be ruled out. Arguments exist on both sides or the question is unsettled. Treat the risk as real when negotiating a plea, and look for a safer alternative. Where the prior (2021) edition rated a consequence as unlikely, the entry is now marked MIGHT, and the prior edition's assessment follows in parentheses, e.g., "MIGHT (prior ed.: likely no)."
PROBABLY NOT	Good authority or the structure of the offense (for example, a disorderly persons maximum of 6 months for a sentence-based AF category) weighs against the consequence. Do not advise that there is no risk; other grounds and discretionary consequences may still apply.

Sentence- and loss-dependent aggravated felony categories. Several AF categories require a *sentence imposed* of at least 1 year: crime of violence (§ 101(a)(43)(F)), theft or burglary (G), counterfeiting, forgery, and trafficking in vehicles with altered VINs (R), and obstruction of justice, perjury, subornation, and bribery of a witness (S). Fraud or deceit (M)(i) and money laundering (D) require loss or funds exceeding $10,000, determined under the circumstance-specific approach of *Nijhawan v. Holder*, 557 U.S. 29 (2009). An AF rating in these categories assumes the threshold is met; a sentence of 364 days or less, or a loss stipulation of $10,000 or less, is often the most important protection available. Attempt and conspiracy to commit an AF are AFs. § 101(a)(43)(U).

Abbreviations: AF – aggravated felony; CIMT – crime involving moral turpitude; CSO – controlled substance offense; FO – firearm offense; CODV – crime of domestic violence (including stalking and protective-order violations); CAC – crime of child abuse, neglect, or abandonment; COV – crime of violence (18 U.S.C. § 16(a)); DP – disorderly persons offense; PSC – particularly serious crime; LPR – lawful permanent resident.

4. The Categorical Approach in the Third Circuit

Whether a New Jersey conviction falls within a federal category is determined by the **categorical approach**: the adjudicator compares the elements of the statute of conviction with the federal generic definition and presumes the conviction rested on the least culpable conduct the statute reaches, without regard to the client's actual conduct. *Mathis v. United States*, 579 U.S. 500 (2016); *Moncrieffe v. Holder*, 569 U.S. 184 (2013); *Esquivel-Quintana v. Sessions*, 581 U.S. 385 (2017); *Pugin v. Garland*, 599 U.S. 600 (2023). For a CIMT, every means of committing the offense must involve both reprehensible conduct and a culpable mental state (at least recklessness, with aggravating factors). *Ndungu v. Att'y Gen.*, 126 F.4th 150 (3d Cir. 2025).

Divisibility. If a statute lists alternative *elements* (not merely alternative *means*), it is divisible, and the adjudicator may consult a limited set of record documents to identify the offense of conviction (the modified categorical approach). *Descamps v. United States*, 570 U.S. 254 (2013); *Mathis*. Permissible documents include the charging document, plea agreement, plea colloquy transcript, jury instructions, verdict form, and judgment (*Shepard v. United States*, 544 U.S. 13 (2005)), plus records listed in 8 U.S.C. § 1229a(c)(3)(B). The Third Circuit follows New Jersey Supreme Court and Appellate Division decisions on the means-or-elements question and treats model jury charges as persuasive. *Ndungu* (relying on the Pennsylvania suggested jury instructions). Many Title 2C statutes are divisible by subsection or degree.

> **Practical consequence:** the record the criminal court creates will decide many cases. The agency's factual finding as to which subsection the client was convicted under is generally unreviewable in a criminal-alien case. *Ndungu*. Counsel should identify the specific, least-harmful subsection in the plea, the colloquy, and the judgment, and keep harmful facts (drug identity, firearm, weapon, domestic relationship, loss amount, minor victim) out of the record.

Burden of proof. In removal proceedings against an admitted noncitizen, DHS must prove deportability by clear and convincing evidence, so an inconclusive record helps the client. But a noncitizen seeking relief, such as cancellation of removal, bears the burden of proving that a conviction is *not* disqualifying, and an ambiguous record defeats eligibility. *Pereida v. Wilkinson*, 592 U.S. 224 (2021). Because most clients will need relief, a vague record is not a safe plea strategy.

Realistic probability. In the Third Circuit, a "realistic probability" inquiry applies only where the elements of the state and federal offenses are identical; it cannot be used to create a categorical match where the elements do not match. *Singh v. Att'y Gen.*, 839 F.3d 273 (3d Cir. 2016); *Salmoran v. Att'y Gen.*, 909 F.3d 73 (3d Cir. 2018); *Larios v. Att'y Gen.*, 978 F.3d 62 (3d Cir. 2020) (inapplicable in the CIMT context); *Ndungu v. Att'y Gen.*, 126 F.4th 150 (3d Cir. 2025) (BIA erred in finding a CIMT by asking whether the minimum conduct with a realistic probability of prosecution was reprehensible). Other circuits and the BIA apply realistic probability more broadly. See *Matter of Ferreira*, 26 I&N Dec. 415 (BIA 2014).

After *Loper Bright*. Courts no longer defer to the BIA's interpretations of the INA. *Loper Bright Enters. v. Raimondo*, 603 U.S. 369 (2024). The BIA's CIMT and conviction definitions now carry weight only to the extent they persuade. *Ndungu*. But *Loper Bright* stated that earlier decisions resting on *Chevron* retain statutory stare decisis effect, so Third Circuit precedents such as *Avila* remain binding until revisited. Conservative advice should not assume that BIA-favorable precedent will be overturned.

5. What Counts as a "Conviction" in New Jersey

A conviction is a formal judgment of guilt or, where adjudication is withheld, a finding of guilt, guilty or nolo plea, or admission of facts sufficient to warrant a finding of guilt, coupled with some form of punishment, penalty, or restraint on liberty. INA § 101(a)(48)(A).

Disorderly persons and petty disorderly persons offenses. New Jersey classifies disorderly persons offenses as "offenses," not "crimes." N.J.S.A. 2C:1-4(b). That label does not control. *Avila v. Att'y Gen.*, 82 F.4th 250 (3d Cir. 2023), held that a New Jersey disorderly persons offense (theft by deception, 2C:20-4) is a

conviction, adopting the BIA's position in *Matter of Wong*, 28 I&N Dec. 518 (BIA 2022). On remand from the Supreme Court for reconsideration under *Loper Bright*, the Second Circuit reached the same result for the same New Jersey statute on its own reading of the statute: a "formal judgment of guilt" is one reached in a proceeding affording the minimum constitutional criminal-procedure protections (proof beyond a reasonable doubt, notice, confrontation, compulsory process, speedy and public trial, double jeopardy) and culminating in a criminal sentence; the possibility of incarceration was enough even though Wong was fined only. *Wong v. Blanche*, No. 22-6185 (2d Cir. Aug. 19, 2026). This chart therefore treats every disorderly persons and petty disorderly persons conviction as a conviction. Municipal ordinance violations have not been squarely addressed; where an ordinance violation carries possible jail and criminal procedural protections, assume it may count.

Diversion. Whether a diversionary disposition is a conviction turns on whether there was a plea or an admission of sufficient facts, together with a penalty or restraint.

- **Pretrial Intervention (PTI)** (N.J.S.A. 2C:43-12; *R.* 3:28-1 to -10): generally, not a conviction if entered without a guilty plea or admission. Where a plea is required as a condition of admission, treat it as a conviction even if the charges are later dismissed.
- **Conditional discharge** (N.J.S.A. 2C:36A-1): the statute does not require an admission. Insist that it be entered without a plea, factual basis, or statement of possession. Immigration judges routinely request the transcript.
- **Conditional dismissal** (N.J.S.A. 2C:43-13.1 to -13.9) and **Recovery Court** (formerly Drug Court): both require a plea and will be treated as convictions.
- **Juvenile delinquency adjudications** are not convictions. *Matter of Devison*, 22 I&N Dec. 1362 (BIA 2000). Resist waiver to adult court. Conduct-based grounds (drug trafficking "reason to believe," drug abuse, prostitution) can apply without a conviction.

Finality, post-conviction relief, and expungement. In the Third Circuit, a conviction is not final for immigration purposes until direct appellate review is exhausted or waived. *Orabi v. Att'y Gen.*, 738 F.3d 535 (3d Cir. 2013). A petition for post-conviction relief is collateral and does not affect finality. A conviction vacated for a substantive or procedural defect (including ineffective assistance under *Padilla*) is eliminated; one vacated for rehabilitative or immigration-hardship reasons is not. *Matter of Pickering*, 23 I&N Dec. 621 (BIA 2003). A sentence modification is recognized only if it rests on a procedural or substantive defect in the original proceeding. *Matter of Thomas & Thompson*, 27 I&N Dec. 674 (A.G. 2019). **Expungement does not eliminate a conviction** for immigration purposes, and it can complicate both proof of the disposition and later post-conviction relief. Obtain certified copies of the complaint, plea transcript, and judgment before any expungement. New Jersey courts have permitted access to expunged records for a PCR petition (*State v. Lopez*, 2012 WL 5372118 (App. Div. 2012) (unpublished)), and a trial court in 2025 gave effect to an order vacating a cannabis expungement entered automatically under CREAMMA so that the defendant could challenge the underlying conviction (*State v. Quammie* (Law Div., Monmouth Cnty., Apr. 30, 2025)). Neither decision is binding precedent.

Prior proceedings do not immunize an old conviction. Res judicata did not bar DHS from charging a 2014 conviction that had been part of an unsuccessful earlier charge, once paired with a new conviction; the "transaction" is the combination of convictions charged. *Ndungu*. Advise clients with one CIMT that a second will expose them to removal regardless of prior terminated proceedings.

"Sentence imposed" under New Jersey sentencing

A term of imprisonment includes the period of incarceration or confinement ordered by the court, regardless of any suspension of its imposition or execution. INA § 101(a)(48)(B). New Jersey courts generally impose a fixed term within the range for the degree of the offense (N.J.S.A. 2C:43-6); that term, not the parole-ineligibility period or the time actually served, is the sentence imposed. Probation is not a term of imprisonment, but jail ordered as a condition of probation (up to

364 days in county jail, N.J.S.A. 2C:43-2(b)(2)) counts, as does an increased custodial sentence imposed on a violation of probation. A nine-month state prison term on a fourth-degree offense is a sentence of less than 1 year; an 18-month term on the same offense is not.

Maximum terms matter for the CIMT grounds: every indictable offense, including fourth-degree crimes (up to 18 months, N.J.S.A. 2C:43-6(a)(4)), is an offense for which a sentence of 1 year or longer may be imposed, while a disorderly persons offense (up to 6 months) and a petty disorderly persons offense (up to 30 days) are not. N.J.S.A. 2C:43-8. A downgrade to a disorderly persons offense is therefore often the only route to the petty offense exception or to avoiding the single-CIMT deportability ground.

6. Representation Checklist and New Jersey Practice Points

- ✓ **Determine status and history first.** Obtain the client's exact immigration status, date and manner of entry or admission, prior convictions in every jurisdiction, travel plans, and relief goals. A U.S. citizen parent or grandparent, or a parent who naturalized before the client turned 18, may mean the client is already a citizen.
- ✓ **Avoid a conviction where possible**; where not, avoid the most severe categories in this order of priority for most LPRs: aggravated felony, controlled substance offense, firearm/domestic violence grounds, then CIMT. For undocumented clients, the inadmissibility grounds and relief bars usually matter most.
- ✓ **Control the sentence.** For sentence-based AF categories, a sentence of 364 days or less on each count is critical. Consider consecutive sub-1-year terms on separate counts, taking time on a non-removable count, or waiving jail credit in exchange for a shorter imposed term.
- ✓ **Control the record.** Plead to a specific, safer subsection; keep drug identity, firearm, victim relationship, victim age, and loss amount out of the complaint amendment, colloquy, and judgment; stipulate loss of $10,000 or less where fraud is involved.
- ✓ **Use municipal-court alternatives carefully.** Disorderly conduct, 2C:33-2(a)(1), with a neutral factual basis is a common safe-haven plea for DP theft or assault charges. Loitering to obtain CDS (2C:33-2.1), failure to make lawful disposition (2C:35-10(c)), being under the influence (2C:35-10(b)), and drug paraphernalia (2C:36-2) are *not* safe drug alternatives. A conditional discharge entered with a statement of possession is a conviction.
- ✓ **Consider DWI and repeat traffic matters.** A New Jersey DWI (N.J.S.A. 39:4-50) is not a removal ground by itself, but two or more DUI convictions during the relevant period create a rebuttable presumption against good moral character. *Matter of Castillo-Perez*, 27 I&N Dec. 664 (A.G. 2019). DWI is also treated as a "significant misdemeanor" for DACA (Section 7).
- ✓ **Discuss disclosure and enforcement risk.** Clients may fear disclosing status in court or appearing in court. Courthouse and immigration-court arrests increased beginning in 2025. Review current New Jersey Judiciary and Attorney General policies on immigration enforcement and court access with the client, and plan for detention risk before any court date.
- ✓ **Consult immigration counsel** and document the advice given. Under *Padilla*, advice must be specific where the consequence is clear.

7. Statuses and Programs With Their Own Criminal Rules: TPS, DACA, and Asylum

The programs below apply criminal bars that differ from, and are sometimes stricter than, the inadmissibility and deportability grounds analyzed in the chart. They are addressed here only in general terms. The chart's statute-by-statute ratings do **not** resolve eligibility for these programs.

Temporary Protected Status (TPS) — INA § 244, 8 U.S.C. § 1254a; 8 C.F.R. part 244

- **Criminal bars.** A person is ineligible who has been convicted of **any felony or two or more misdemeanors** committed in the United States, or who is subject to the asylum bars in INA § 208(b)(2)(A) (including conviction of a particularly serious crime; an aggravated felony is a PSC for this purpose). INA § 244(c)(2)(B).
- **Definitions.** Under 8 C.F.R. § 244.1, a "felony" is a crime punishable by more than 1 year of imprisonment regardless of the sentence served, and a "misdemeanor" is a crime punishable by 1 year or less, except that an offense punishable by 5 days or less is not counted. Applied to New Jersey, every indictable offense is a felony, and disorderly persons and petty disorderly persons offenses (punishable by up to 6 months and 30 days) are misdemeanors. **Two municipal-court convictions can therefore bar TPS** even if neither triggers any ground in this chart. A New Jersey DWI, though a motor-vehicle violation, carries possible jail and may be counted; assume it does.
- **Inadmissibility.** The applicant must also be admissible. The criminal grounds in § 212(a)(2)(A) and (B) (CIMT, CSO, multiple convictions) and drug-trafficking "reason to believe" cannot be waived for TPS, except for a single offense of simple possession of 30 grams or less of marijuana. INA § 244(c)(2)(A)(iii).
- **Designations change.** Country designations, extensions, and terminations have shifted significantly since 2025 and are the subject of ongoing litigation. Confirm the current designation, registration and re-registration periods, and any court orders before advising.

Deferred Action for Childhood Arrivals (DACA) — 8 C.F.R. §§ 236.21–236.25

- **Criminal thresholds.** A requestor is ineligible if convicted of a **felony**, a **significant misdemeanor**, or **three or more other misdemeanors** not occurring on the same date and not arising from the same act or scheme, or if the requestor poses a threat to national security or public safety. 8 C.F.R. § 236.22(b)(6).
- **Definitions.** A felony is an offense punishable by more than 1 year; a misdemeanor is punishable by more than 5 days and up to 1 year. A "significant misdemeanor" is one involving domestic violence, sexual abuse or exploitation, burglary, unlawful possession or use of a firearm, drug distribution or trafficking, or driving under the influence, or any other misdemeanor for which the person was sentenced to more than 90 days in custody (suspended sentences excluded). Minor traffic offenses are generally not counted, but a New Jersey **DWI should be treated as a significant misdemeanor**, as should a disorderly persons offense with a domestic-violence component (e.g., simple assault or harassment against a household member).
- **Expungements and juvenile dispositions** are evaluated case by case and may still weigh against the requestor as a matter of discretion; disclose them.
- **Program status.** DACA remains subject to litigation (*Texas v. United States*), which has limited processing of initial requests while renewals have continued. Confirm current USCIS practice before advising.

Asylum, Withholding of Removal, and Convention Against Torture Protection

- **Asylum — particularly serious crime (PSC).** A person convicted of a PSC is barred from asylum, and **every aggravated felony is a PSC** for asylum purposes. INA § 208(b)(2)(A)(ii), (B)(i). Outside that per se rule, the PSC determination is made case by case on the nature of the conviction, the sentence, and the circumstances, and the adjudicator may consider all reliable information, not just the record of conviction. *Matter of N-A-M-*, 24 I&N Dec. 336 (BIA 2007). The categorical approach does **not** protect the client here: an offense rated favorably in this chart, including a disorderly persons offense, can still be found particularly serious on its facts.

- **Other asylum bars and discretion.** A serious nonpolitical crime committed outside the United States is a bar, INA § 208(b)(2)(A)(iii), and regulations add further bars. 8 C.F.R. § 208.13(c). Regulations adopted in 2020 adding categorical bars (including certain DUI and domestic-violence offenses) have been enjoined; check their status. Asylum is discretionary, and a "violent or dangerous" offense requires extraordinary circumstances to overcome. *Matter of Jean*, 23 I&N Dec. 373 (A.G. 2002).
- **Withholding of removal** (INA § 241(b)(3)). An aggravated felony (or felonies) with an aggregate sentence of at least 5 years is a per se PSC; other offenses may be found particularly serious case by case, and drug-trafficking offenses are presumptively so. *Matter of Y-L-, A-G- & R-S-R-*, 23 I&N Dec. 270 (A.G. 2002).
- **Convention Against Torture.** No criminal bar to deferral of removal. 8 C.F.R. § 1208.17. It is often the only protection left after a serious conviction, but it is difficult to win and does not lead to permanent status.

For a summary of how criminal records affect other forms of relief (naturalization, cancellation of removal, adjustment and § 212(h) waivers, VAWA, U and T visas, and others), see Appendix B.

8. Authorship, Sources, Acknowledgements, and Contact

Lead and primary author. This Chart was prepared by **Derek A. DeCosmo, Esq.**, Managing Partner of DeCosmo Law and Adjunct Crimmigration Law Professor at Rutgers School of Law, who is its lead and primary author.

This edition builds on the 2021 New Jersey chart and its contributors. Its structure is modeled on the Immigrant Defense Project's quick reference chart for New York offenses; no text from that chart has been reproduced. It also draws on the Immigrant Legal Resource Center's Relief Chart (Nov. 2021); New Jersey CLE materials created by Derek A. DeCosmo on crimmigration practice; Westlaw research on federal decisions construing New Jersey statutes.

Acknowledgements. The author gratefully acknowledges the contributions of **Professor Joanne Gottesman**, **Caitlin Flynn, Sabrina Frean, Joanna Gardner, Ben Gibson, Landon Hacker and Erin Sweeney**, and all who contributed to prior editions of the New Jersey chart, whose work made this edition possible.

Comments and corrections. Comments, corrections, and suggestions for future editions are welcome and may be emailed to **Derek@decosmolaw.com**. Please identify the statute, chart entry, and authority at issue. This address is for comments on the Chart only; it does not provide legal advice or answer questions about individual cases, and sending an email does not create an attorney-client relationship.

Copyright. © 2026 Derek A. DeCosmo. All rights reserved. This Chart, including its analyses, ratings, comments, compilation, selection, and arrangement, is protected by the copyright laws of the United States. Statutes, regulations, and judicial and administrative decisions quoted or cited in the Chart are not claimed. Except as expressly permitted below, no part of this Chart may be reproduced, distributed, transmitted, displayed, published, adapted, or sold, in any form or by any means, without the prior written permission of the copyright holder.

Permitted use. Permission is granted to licensed attorneys, and to the staff of public defender offices, legal services organizations, and nonprofit immigration organizations working under an attorney's supervision, to download, print, and reproduce this Chart, in whole or in part, solely for non-commercial use in the representation of clients and for internal, non-commercial training, provided that (1) the copyright notice, the Important Disclaimer, and this permitted-use statement are retained on every copy; (2) the Chart is attributed to Derek A. DeCosmo as its author; and (3) the content is not altered in a way that misrepresents the author's analysis. Excerpts used in briefs, motions, or other filings on behalf of a client are permitted with appropriate citation. Any other use, including sale or

inclusion in a commercial product or publication, posting on a public website, use in a fee-based CLE program or training, or preparation of derivative works, requires prior written permission. Requests for permission should be sent to **Derek@decosmolaw.com**.

Suggested citation: Derek A. DeCosmo, *Quick Reference Chart: Immigration Consequences of Selected New Jersey Criminal Offenses* (2026 ed.).

PART TWO: QUICK REFERENCE CHART

Reading the ratings: YES – consequence follows (subject to any stated condition); **PROBABLY** – advise as though it follows; **MIGHT** – risk cannot be ruled out, treat as real; **PROBABLY NOT** – authority weighs against, but do not advise "no risk." Sentence-based AF categories (crime of violence, theft/burglary, forgery, obstruction) require a sentence imposed of 1 year or more; fraud and money-laundering AFs require a loss or funds over $10,000. TPS, DACA, and asylum eligibility are **not** addressed in the entries; see Preamble § 7.

2C:11 – Homicide, Murder, Manslaughter

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Criminal Homicide	**2C:11-1**	Definitions for bodily injury, serious bodily injury, deadly weapon, and significant bodily injury			
Criminal Homicide	**2C:11-2**	See below - depends on section of statute	See below - depends on section of statute		If ONLY convicted under this statute subsection, under a categorical analysis, this statute would be overly broad and thus would NOT qualify as a match for AF or CIMT since least culpable conduct not a match; if only convicted under this subsection and court determines subsection is divisible, look at subsections below to determine possible outcomes based on level of mens rea required
Criminal Homicide	**2C:11-2.1**	No bar to prosecution for criminal homicide			
Murder	**2C:11-3**	**YES**. Under (a)(43)(A), though see notes re: 2C:11-3(a)(3)	**YES**	**YES**: CODV if against family member	AF: 18 U.S.C. § 1111(a) defines "murder" = "unlawful killing of a human being with malice aforethought;" therefore, 2C:11-3(a)(1) and (2) are categorical matches to this federal definition and thus qualify as an AF under INA 101(a)(43)(A) CIMT: a conviction for conspiracy to commit murder (violation of federal statute 18 U.S.C. §§ 1962(d) and 1963) is a CIMT - see Gutierrez-Molina v. Att'y Gen., 784 F. App'x 855 (3d Cir. 2019) AF (subsection (3)(a)(3)) - the list of crimes in the NJ statute is broader (ex: includes carjacking, terrorism) than those in the federal definition 18 U.S.C. § 1111(a), so there may be an argument that this is not a match for AF; however, in Santana-Felix v. Barr, 924 F.3d 51 (2d Cir. 2019), 2d Cir. determines in comparing NY statute for felony murder with the federal generic definition, there is a match even with slightly different crimes listed
Homicide/Murder	**2C:11-3a**	Rules			
Homicide/Murder	**2C:11-3b**	Resentencing			
Murder	**2C:11-3c**	Restitution			
Manslaughter (Aggravated)	**2C:11-4(a)**	**PROBABLY**. Under murder ((a)(43)(A)) OR crime of violence (F)	**PROBABLY**	**YES**: CODV if against family member	In NJ, "A person who causes another's death does so recklessly when he/she is aware of and consciously disregards a substantial and unjustifiable risk that death will result from his/her conduct." N.J.S.A. 2C:11-4a. AF: when comparing to generic definition for murder (and thus under INA § 101(a)(43)(A) AF for murder), look at "malice aforethought" - courts have held this includes intent "to do serious bodily injury or an extreme recklessness and

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
					wanton disregard for human life" (see United States v. Lemus-Gonzalez, 563 F.3d 88 (5th Cir. 2009), United States v. Williams, 342 F.3d 350 (4th Cir. 2003), and United States v. Velazquez, 246 F.3d 204 (2d Cir. 2001)); thus, BIA has held that murder is NOT limited to "intent to kill" Matter of M-W-, 25 I&N Dec. 748 (BIA 2012). CIMT: recklessly causing the death of another person can be a CIMT - Matter of Franklin, 20 I&N Dec. 867 (BIA 1994); turpitude attaches to crimes involving serious misconduct committed with at least recklessness = "a conscious disregard of a substantial and unjustifiable risk" CIMT: recklessness requires "an actual awareness of the risk," that the individual is willing "to commit the act in disregard of the perceived risk" Matter of Medina, 15 I&N Dec. 611 (BIA 1976)
Manslaughter	**2C:11-4(b)**	**MIGHT** (prior ed.: likely not a match for murder OR crime of violence)	**PROBABLY**	**YES**: CODV if against family member (especially under subsection (2))	In NJ, "A person who causes another's death does so recklessly when he/she is aware of and consciously disregards a substantial and unjustifiable risk that death will result from his/her conduct." N.J.S.A. 2C:11-4a. AF: BIA has recognized that manslaughter that encompasses reckless acts is NOT categorically a crime of violence and thus is not an AF "crime of violence" - see Matter of Cervantes Nunez, 27 I&N Dec. 238 (BIA 2018). However, case also states that attempt to cause involuntary manslaughter is an AF. A point of caution, in NJ a jury may be charged with "attempt" to cause manslaughter in the jury instructions. AF: 18 U.S.C. § 16(a) requires violent force (force capable of causing physical pain or injury to another person) Johnson v. United States, 559 U.S. 133 (2010) CIMT: recklessly causing the death of another person can be a CIMT - Matter of Franklin, 20 I&N Dec. 867 (BIA 1994); turpitude attaches to crimes involving serious misconduct committed with at least recklessness = "a conscious disregard of a substantial and unjustifiable risk" CIMT: recklessness requires "an actual awareness of the risk," that the individual is willing "to commit the act in disregard of the perceived risk" Matter of Medina, 15 I&N Dec. 611 (BIA 1976) CIMT: BIA held that "voluntary manslaughter" is an "extremely serious crime involving moral turpitude" in Matter of Sanchez-Linn, 20 I&N Dec. 362 (BIA 1991) - Note - CA's voluntary manslaughter statute includes "heat of passion" killing of another, and thus aligns with NJ 2C:11-4(b)(2)
Manslaughter	**2C:11-4(c)**	Sentencing			
Reckless Vehicular Homicide (Death by Auto or Vessel)	**2C:11-5**	**PROBABLY NOT**	**MIGHT**		AF: 3d Cir. held in Oyebanji v. Gonzales, 418 F.3d 260 (3d Cir. 2005) a conviction under this statute is NOT an AF; though the statute is plainly regarded as involving a substantial degree of moral culpability, "accidental" conduct (including reckless) is not enough to qualify as a crime of violence under 18 U.S.C. § 16 and S. Ct.'s reasoning in Leocal v. Ashcroft, 543 U.S. 1 (2004); HOWEVER, note in Aguilar v. Att'y Gen., 663 F.3d 692 (3d Cir. 2011), court clarifies that "accidental" recklessness is a carve out from reckless crimes in that this statute fails to create the level of force required under 16(b).

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
					See also Baptiste v. Att'y Gen., 841 F.3d 601 (3d Cir. 2016). REMINDER that 18 U.S.C. § 16(b) was held void for vagueness in Sessions v. Dimaya (applying Johnson v. United States, 576 U.S. 591 (2015)), 138 S. Ct. 1204 (2018); so "crime of violence" must be based off of 18 U.S.C. § 16(a) which requires intentional use of force; therefore, can counter Aguilar since only 16(a) applies CIMT: recklessly causing death of another can be CIMT - Matter of Franklin, 20 I&N Dec. 867 (BIA 1994); turpitude attaches to crimes involving serious misconduct committed with at least recklessness; "conscious disregard of a substantial and unjustifiable risk" CIMT: recklessness requires "an actual awareness of the risk," that the individual is willing "to commit the act in disregard of the perceived risk" Matter of Medina, 15 I&N Dec. 611 (BIA 1976) ADVICE: could attempt to argue recklessness insufficient to sustain a level of mens rea equal to "a conscious disregard of a substantial and unjustifiable risk" given that some forms of proof of recklessness in this statute reflect accidental conduct and NOT conduct that automatically indicates a conscious disregard. In NJ, "A person acts recklessly when (he/she) consciously disregards a substantial and unjustifiable risk that death will result from (his/her) conduct." NJ CR JI 2C:11-5.
Leaving the Scene of Motor Vehicle Accident	**2C:11-5.1**	**MIGHT** (prior ed.: most likely no (no violent act/physical force))	**PROBABLY**		CIMT: in CA, a statute for leaving the scene of an accident with bodily injuries or death was determined not to be a CIMT because it included conduct that was not deemed reprehensible, such as fulfilling requirements to share information (Cerezo v. Mukasey, 512 F.3d 1163 (9th Cir. 2008); here, the NJ statute (linked to R.S. 39:4-129) is very similar to the CA statute in question and therefore may not be seen as a CIMT since it includes some conduct that could be deemed not reprehensible; however, note the NJ statute is specifically where results in death whereas the CA statute was only "injury or death"; also note 9th Cir. called the analyses "very close" and, given the difference in death vs. injury, most likely a conviction under this statute would be a CIMT CIMT: Though not binding, see Garcia-Maldonado v. Gonzales, 491 F.3d 284 (5th Cir. 2007) where court holds conviction under a TX statute for failing to stop and render aid following a fatal car accident was a CIMT because had notice accident happened (since was part of the accident) but NOT where fail to affirmatively report identifying information (not reprehensible conduct); court reasons moral turpitude inheres here because offense "reflects an intentional attempt to evade responsibility and is intrinsically wrong"; this is distinguished from cases where the individual leaves the scene of a car accident in which only property damage was the result (not seen as morally reprehensible and intrinsically wrong) - Orosco v. Holder, 396 F. App'x 50 (5th Cir. 2010)
Operator of Vessel Leaving Scene of Accident on State Waters	**2C:11-5.2**	**MIGHT** (prior ed.: most likely no (no violent act/physical force))	**PROBABLY**		CIMT: in CA, a statute for leaving the scene of an accident with bodily injuries or death was determined not to be a CIMT because it included conduct that was not deemed reprehensible, such as fulfilling requirements to share information (Cerezo v. Mukasey, 512 F.3d 1163 (9th Cir. 2008); here, the NJ statute (linked to R.S. 39:4-129) is very similar to the CA statute in question and therefore

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
					may not be seen as a CIMT since it includes some conduct that could be deemed not reprehensible; however, note the NJ statute is specifically where results in death whereas the CA statute was only "injury or death"; also note 9th Cir. called the analyses "very close" and, given the difference in death vs. injury, most likely a conviction under this statute would be a CIMT CIMT: Though not binding, see Garcia-Maldonado v. Gonzales, 491 F.3d 284 (5th Cir. 2007) where court holds conviction under a TX statute for failing to stop and render aid following a fatal car accident was a CIMT because had notice accident happened (since was part of the accident) but NOT where fail to affirmatively report identifying information (not reprehensible conduct); court reasons moral turpitude inheres here because offense "reflects an intentional attempt to evade responsibility and is intrinsically wrong"; this is distinguished from cases where the individual leaves the scene of a car accident in which only property damage was the result (not seen as morally reprehensible and intrinsically wrong) - Orosco v. Holder, 396 F. App'x 50 (5th Cir. 2010)
Strict Liability Vehicular Homicide	**2C:11-5.3**	**MIGHT** (prior ed.: most likely no (missing mens rea))	**PROBABLY**		AF: most likely no since least culpable mens rea of "reckless" is not intentional under requirement of "crime of violence" definition; United States v. Abdullah, 905 F.3d 739 (3d Cir. 2018), refers to intent as "knowing or intentional" CIMT: assault with a vehicle while under influence is CIMT [second degree assault caused by driving a vehicle (deemed a "dangerous weapon") while under intoxicated and causing bodily injury to victims is considered a CIMT in PA case Bugarenko v. Att'y Gen., 798 F. App'x 741 (3d Cir. 2020)]; thus, vehicular homicide while intoxicated is a CIMT; strict liability in some circumstances can meet CIMT mens rea requirement
Aiding Suicide	**2C:11-6**	**MIGHT** (prior ed.: most likely no)	**MIGHT**		

2C:11A – Human Cloning

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Human Cloning	**2C:11A-1**	**MIGHT** (prior ed.: most likely not)	**MIGHT** (prior ed.: most likely not)		

2C:12 – Assault

Chapter note: A "crime of violence" AF must satisfy 18 U.S.C. § 16(a) (use, attempted use, or threatened use of physical force against the person or property of another); § 16(b) is void for vagueness. *Sessions v. Dimaya*, 584 U.S. 148 (2018). Offenses satisfied by ordinary recklessness do not qualify under the materially identical ACCA elements clause. *Borden v. United States*, 593 U.S. 420 (2021). Extreme recklessness remains open. *United States v. Brasby*, 61 F.4th 127 (3d Cir. 2023). Offenses requiring knowing or purposeful causation of bodily injury are categorically violent. *United States v. Ramos*, 892 F.3d 599 (3d Cir. 2018). 2C:12-1(b) is divisible by degree and subsection. *United States v. Abdullah*, 905 F.3d 739 (3d Cir. 2018). Reckless offenses with aggravating factors (serious bodily injury, deadly weapon) are generally treated as CIMTs. *Baptiste v. Att'y Gen.*, 841 F.3d 601 (3d Cir. 2016). For terroristic threats, see *Larios v. Att'y Gen.*, 978 F.3d 62 (3d Cir. 2020), and the 2C:12-3 entry.

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Simple Assault	**2C:12-1(a)**	**PROBABLY NOT**	**PROBABLY NOT**	**MIGHT**: CODV - most likely not since is not a crime of violence (prior ed.: unlikely)	CIMT: Simple assault is not generally understood to be a CIMT; see In re Sejas, 24 I&N Dec. 236 (BIA 2007) and Fualaau, 21 I&N Dec. 475 (BIA 1996); see also Matter of Solon, 24 I&N Dec. 239 (BIA 2007) - simple assaults generally are NOT CIMT since only require general intent AF (crime of violence): (a)(1) includes recklessness and does not meet requirement of violent force OR mens rea required; (a)(2) is negligent, so does NOT meet mens rea; (a)(3) does not require violent force, so does NOT meet requirement 18 U.S.C. § 16(a) requires violent force (force capable of causing physical pain or injury to another person) - see Johnson v. United States, 559 U.S. 133 (2010)
Aggravated Assault	**2C:12-1(b)**				NOTE: 2C:12-1(b) is divisible (United States v. Abdullah, 905 F.3d 739 (3d Cir. 2018)) since it proscribes 3 alternative degrees of conduct, each subject to different maximum sentences; statute is then further divisible into a number of different 3rd-degree aggravated assault offenses NOTE for all of this statute: AF - United States v. Castleman, 572 US 157 (2014) (holding "physical force" is satisfied by an offense that "has, as an element, the use or attempted use of physical force"); any statute that "requires proving the attempted, knowing, or intentional causation of bodily injury, is categorically a violent crime" (United States v. Ramos, 892 F.3d 599 (3d Cir. 2018)
Aggravated Assault	**2C:12-1(b)(1)**	**MIGHT**. Crime of violence (18 U.S.C. § 16(a)) only if a sentence of 1 year or more is imposed; risk is highest where the record shows an attempt, or purposeful or knowing conduct.	**YES**		**UPDATE (2026):** *Borden v. United States*, 593 U.S. 420 (2021), holds that an offense satisfied by ordinary recklessness lacks the "use of physical force against the person of another" as an element. Section 16(a) uses materially identical language, so the reckless variant should not be a § 16(a) crime of violence. *Borden* reserved extreme recklessness, however, which is precisely what (b)(1)'s "extreme indifference" variant requires. *United States v. Brasby*, 61 F.4th 127 (3d Cir. 2023) (Guidelines case), held (b)(1) divisible between the attempt and completed offenses and found the completed offense a match for generic aggravated assault under the Guidelines' enumerated-offense clause, expressly avoiding the elements clause. The INA's crime-of-violence definition has no enumerated clause, so *Brasby* does not decide the removal question, but its divisibility holding will likely be applied. The attempt variant ("attempts to

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
					cause serious bodily injury") requires purpose and should be treated as a crime of violence. **Tips:** (1) Keep any custodial sentence to 364 days or less. (2) Avoid the attempt variant and purposeful/knowing language in the plea colloquy and judgment. (3) Treat as a CIMT regardless; the CIMT analysis does not depend on *Borden*. AF: most likely no since least culpable mens rea of "reckless" is not intentional under requirement of "crime of violence" definition; see United States v. Reyes-Romero, 327 F. Supp. 3d 855 (WD Pa 2018) finding a conviction under N.J.S.A. 2C:12-1(b)(1) is not AF if, under categorical approach, it is determined defendant was convicted under the least culpable mens rea of recklessness (thus lacking necessary intent). But see the not precedential decision in United States v. Robles, 855 F. App'x 804 (3d Cir.2021). Robles & Torner were co-defendants, Torner finally asserted that the District Court erred by treating a prior aggravated assault conviction as a crime of violence for sentencing enhancement purposes, as the Government did not establish that he was convicted of a purposeful or knowing(rather than reckless)violation of the relevant statute. N.J.S.A. 2C:12-1(b)(1)(providing that a person is guilty of aggravated assault if the person"attempts to cause serious bodily injury to another, or causes injury purposely or knowingly or under circumstances manifesting extreme indifference to the value of human life recklessly causes such injury"). The Third Circuit found that District Court properly relied on charging and plea documents that revealed Torner was convicted of purposeful and knowing conduct, which made his conviction a crime of violence. CIMT: recklessness is CIMT due to aggravating factors which ensure the least culpable conduct encompassed in statute is "inherently base, vile, or depraved" Baptiste v. Att'y Gen., 841 F3d 601 (3d Cir. 2016) CIMT: BIA has also held for decades that assault without a deadly weapon but with intent to do great bodily harm is a CIMT - Matter of P, 3 I&N Dec. 5 (BIA 1947)
Aggravated Assault	**2C:12-1(b)(2)**	**YES**	**PROBABLY**		**UPDATE (2026):** *United States v. Abdullah*, 905 F.3d 739 (3d Cir. 2018), held 2C:12-1(b) divisible by degree and subsection and treated the deadly-weapon variant as a crime of violence under the career-offender guideline's elements clause; *United States v. Thomas*, 750 F. App'x 129 (3d Cir. 2018) (non-precedential), agreed as to (b)(2). Expect DHS to rely on these in arguing a § 16(a) crime of violence. Treat as an AF if a sentence of 1 year or more is imposed. AF: 1(b)(2) is a "crime of violence" since involves use of force and intention (United States v. Abdullah, 905 F.3d 739 (3d Cir. 2018)) CIMT: knowingly or purposely meets "inherently base, vile, or depraved" mind requirement, and includes reprehensible conduct
Aggravated Assault	**2C:12-1(b)(3)**	**MIGHT** (prior ed.: likely no)	**PROBABLY**		AF: requires intent; under United States v. Abdullah, 905 F.3d 739 (3d Cir. 2018), refers to intent as "knowing or intentional." AF - most likely no since least culpable mens rea of "reckless" is not intentional under requirement of

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
					"crime of violence" definition; see United States v. Reyes-Romero, 327 F. Supp. 3d 855 (WD Pa 2018) CIMT: recklessness is CIMT due to aggravating factors which ensure the least culpable conduct encompassed in statute is "inherently base, vile, or depraved" Baptiste v. Att'y Gen., 841 F3d 601 (3d Cir. 2016) CIMT: additionally, aggravating factor of use of a deadly weapon makes reckless intent sufficient to constitute a CIMT (see Matter of Medina, 15 I&N Dec. 611 (BIA 1976) and Matter of Sanudo, 23 I&N Dec. 968 (BIA 2006)); specifically in Medina, BIA found, even though the IL statute could be violated with a reckless state of mind, the statute was a CIMT because "the violator must show a willingness to commit the act in disregard of the perceived risk"; see also Matter of Wu, 27 I&N Dec. 8 (BIA 2017) finding similar result with CA statute
Aggravated Assault	**2C:12-1(b)(4)**	**MIGHT** (prior ed.: likely no)	**PROBABLY**		CIMT: recklessness is CIMT due to aggravating factors which ensure the least culpable conduct encompassed in statute is "inherently base, vile, or depraved" Baptiste v. Att'y Gen., 841 F3d 601 (3d Cir. 2016) CIMT: additionally, aggravating factor of use of a deadly weapon makes reckless intent sufficient to constitute a CIMT (see Matter of Medina, 15 I&N Dec. 611 (BIA 1976) and Matter of Sanudo, 23 I&N Dec. 968 (BIA 2006)); specifically in Medina, BIA found, even though the IL statute could be violated with a reckless state of mind, the statute was a CIMT because "the violator must show a willingness to commit the act in disregard of the perceived risk"; see also Matter of Wu, 27 I&N Dec. 8 (BIA 2017) finding similar result with CA statute - must "have knowledge, while not of the risk of causing.…injury, of the facts that make such an injury likely"
Aggravated Assault	**2C:12-1(b)(5)**	**PROBABLY NOT**	**MIGHT** (prior ed.: likely no)		CIMT: Simple assault is not generally understood to be a CIMT; see In re Sejas, 24 I&N Dec. 236 (BIA 2007) and Fualaau, 21 I&N Dec. 475 (BIA 1996); see also Matter of Solon, 24 I&N Dec. 239 (BIA 2007) - simple assaults generally are NOT CIMT since only require general intent. This portion of the statute elevates a simple assault to an aggravated assault if the simple assault is committed upon a protected person. Model Criminal Jury Charge indicates NJ treats subsections (5)(a) through (k) as separate elements (Castillo-Lopez v. Att'y Gen., 741 F. App'x 877 (3d Cir. 2018))
Aggravated Assault	**2C:12-1(b)(6)**	**PROBABLY**	**PROBABLY**		There is no direct law on this statute, but see discussion under N.J.S.A. 2C:29:-2
Aggravated Assault	**2C:12-1(b)(7)**	**MIGHT** (prior ed.: likely no)	**PROBABLY**		AF (crime of violence): 18 U.S.C. § 16(a) requires use of violent force, but this statute's least culpable conduct is attempt; threat of violence does not meet requirement of use of violent force and least culpable mental state is recklessness. N.J.S.A.: 2C:12-1(b)(7) is a CIMT since least culpable conduct necessary for a third-degree aggravated assault-significant bodily injury conviction involves a conscious disregard of a substantial and unjustifiable risk that significant bodily injury will follow Idowu v. Att'y Gen., 512 F. App'x

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
					222 (3d Cir. 2013)
Aggravated Assault	**2C:12-1(b)(8)**	**MIGHT** (prior ed.: likely no)	**PROBABLY**		AF (crime of violence): 18 U.S.C. § 16(a) requires use of violent force, which is not required to sustain a conviction under this statute. CIMT - use of a deadly or dangerous weapon or instrument that magnifies danger posed/demonstrates heightened propensity for violence and indifference to human life; see also Matter of Wu, 27 I&N Dec. 8 (BIA 2017) finding similar result with CA statute - must "have knowledge, while not of the risk of causing.…injury, of the facts that make such an injury likely"
Aggravated Assault	**2C:12-1(b)(9)**	**MIGHT** (prior ed.: likely no)	**PROBABLY**		AF (crime of violence): 18 U.S.C. § 16(a) requires use of violent force, which is not required to sustain a conviction under this statute. CIMT: use of a deadly or dangerous weapon or instrument that magnifies danger posed/demonstrates heightened propensity for violence and indifference to human life; see also Matter of Wu, 27 I&N Dec. 8 (BIA 2017) finding similar result with CA statute - must "have knowledge, while not of the risk of causing.…injury, of the facts that make such an injury likely"
Aggravated Assault	**2C:12-1(b)(10)**	**MIGHT** (prior ed.: likely no)	**PROBABLY**		AF (crime of violence): 18 U.S.C. § 16(a) requires use of violent force, which is not required to sustain a conviction under this statute. CIMT: use of a deadly or dangerous weapon or instrument that magnifies danger posed/demonstrates heightened propensity for violence and indifference to human life; see also Matter of Wu, 27 I&N Dec. 8 (BIA 2017) finding similar result with CA statute - must "have knowledge, while not of the risk of causing.…injury, of the facts that make such an injury likely"
Aggravated Assault	**2C:12-1(b)(11)**	**MIGHT** (prior ed.: most likely no)	**MIGHT**		No case law on this statute, but unlikely an AF. It could be a CIMT to intentionally use a laser sighting device against law enforcement.
Aggravated Assault	**2C:12-1(b)(12)**	**MIGHT** (prior ed.: likely no)	**PROBABLY**	**YES**. Likely CODV	AF (crime of violence): 18 U.S.C. § 16(a) requires use of violent force, but this statute's least culpable conduct is attempt; threat of violence does not meet requirement of use of violent force CIMT and CODV - see PA-based case Sunuwar v. Att'y Gen., 989 F.3d 239 (3d Cir. 2021) where restates that individual convicted of aggravated assault of wife (under PA law) was a CIMT; though different state's statue and is related to denial of a CAT relief petition (particularly serious crime), is a recent case indicating Third Circuit position on affirming aggravated assault as a CIMT and CODV
Aggravated Assault	**2C:12-1(b)(13)**	**PROBABLY**	**PROBABLY**	**YES**. Likely CODV	AF: requires intent; under United States v. Abdullah, 905 F.3d 739 (3d Cir. 2018), refers to intent as "knowing or intentional" AF ADVICE - could try to claim least culpable conduct was "extreme indifference to the value of human life" and that is less than the "knowing or purposeful" intent required CIMT and CODV - see PA-based case Sunuwar v. Att'y Gen., 989 F.3d 239 (3d Cir. 2021) where restates that individual convicted of aggravated assault of wife for attempting her strangulation (under PA law) was a CIMT; though

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
					different state's statue and is related to denial of a CAT relief petition (particularly serious crime), is a recent case indicating Third Circuit position on affirming aggravated assault as a CIMT and CODV
Assault by Auto or Vessel	**2C:12-1(c)(1)**	**MIGHT** (prior ed.: most likely no)	**MIGHT** (prior ed.: most likely no Yes, if serious bodily injury element)		AF: most likely no since least culpable mens rea of "reckless" is not intentional under requirement of "crime of violence" definition; United States v. Abdullah, 905 F.3d 739 (3d Cir. 2018), refers to intent as "knowing or intentional"; also see 3d Cir. held in Oyebanji v. Gonzales, 418 F.3d 260 (3d Cir. 2005) a conviction under NJ 2C:11-5 is NOT an AF; though the statute is plainly regarded as involving a substantial degree of moral culpability, "accidental" conduct (including reckless) is not enough to qualify as a crime of violence under 18 U.S.C. § 16 CIMT: recklessness is CIMT due to aggravating factors which ensure the least culpable conduct encompassed in statute is "inherently base, vile, or depraved" Baptiste v. Att'y Gen., 841 F3d 601 (3d Cir. 2016); here, aggravating factors lacking
Assault by Auto or Vessel	**2C:12-1(c)(2)**	**MIGHT** (prior ed.: likely no)	**PROBABLY**		AF: most likely no since least culpable mens rea of "reckless" is not intentional under requirement of "crime of violence" definition; United States v. Abdullah, 905 F.3d 739 (3d Cir. 2018), refers to intent as "knowing or intentional"; also see 3d Cir. held in Oyebanji v. Gonzales, 418 F.3d 260 (3d Cir. 2005) a conviction under NJ 2C:11-5 is NOT an AF; though the statute is plainly regarded as involving a substantial degree of moral culpability, "accidental" conduct (including reckless) is not enough to qualify as a crime of violence under 18 U.S.C. § 16 CIMT: recklessness is CIMT due to aggravating factors which ensure the least culpable conduct encompassed in statute is "inherently base, vile, or depraved" Baptiste v. Att'y Gen., 841 F3d 601 (3d Cir. 2016); here, aggravated factor of intoxication exists; see also PA case Bugarenko v. Att'y Gen., 798 F. App'x 741 (3d Cir. 2020) second degree assault caused by driving a vehicle (deemed a "dangerous weapon") while under intoxicated and causing bodily injury to victims is considered a CIMT
Assault by Auto or Vessel	**2C:12-1(c)(3)**	**MIGHT** (prior ed.: likely no)	**PROBABLY**		AF: most likely no since least culpable mens rea of "reckless" is not intentional under requirement of "crime of violence" definition; United States v. Abdullah, 905 F.3d 739 (3d Cir. 2018), refers to intent as "knowing or intentional"; also see 3d Cir. held in Oyebanji v. Gonzales, 418 F.3d 260 (3d Cir. 2005) a conviction under NJ 2C:11-5 is NOT an AF; though the statute is plainly regarded as involving a substantial degree of moral culpability, "accidental" conduct (including reckless) is not enough to qualify as a crime of violence under 18 U.S.C. § 16 CIMT: recklessness is CIMT due to aggravating factors which ensure the least culpable conduct encompassed in statute is "inherently base, vile, or depraved" Baptiste v. Att'y Gen., 841 F3d 601 (3d Cir. 2016); here, aggravated factor of intoxication exists; see also PA case Bugarenko v. Att'y Gen., 798 F. App'x 741 (3d Cir. 2020) second degree assault caused by driving a vehicle (deemed a "dangerous weapon") while under intoxicated and causing bodily injury to victims is considered a CIMT

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Assault by Auto or Vessel	**2C:12-1(c)(4)**	**MIGHT**	**MIGHT**		AF: requires intent; under United States v. Abdullah, 905 F.3d 739 (3d Cir. 2018), refers to intent as "knowing or intentional"; here, have purposely, though unclear if intent to cause injury is present; physical force exists with use of vehicle as weapon CIMT: recklessness is CIMT due to aggravating factors which ensure the least culpable conduct encompassed in statute is "inherently base, vile, or depraved" Baptiste v. Att'y Gen., 841 F3d 601 (3d Cir. 2016); here, aggravated factor of aggressive driving may be sufficient for CIMT
Leaving the Scene of Motor Vehicle Accident	**2C:12-1.1**	**MIGHT** (prior ed.: likely No)	**MIGHT**		CIMT: in CA, a statute for leaving the scene of an accident with bodily injuries or death was determined not to be a CIMT because it included conduct that was not deemed reprehensible, such as fulfilling requirements to share information (Cerezo v. Mukasey, 512 F.3d 1163 (9th Cir. 2008); here, the NJ statute (linked to R.S. 39:4-129) is very similar to the CA statute in question and therefore may not be seen as a CIMT since it includes some conduct that could be deemed not reprehensible; however, note the NJ statute is specifically for "serious bodily injury to another" whereas the CA statute was only "injury or death" CIMT: Though not binding, see Garcia-Maldonado v. Gonzales, 491 F.3d 284 (5th Cir. 2007) where court holds conviction under a TX statute for failing to stop and render aid following a fatal car accident was a CIMT because had notice accident happened (since was part of the accident) but NOT where fail to affirmatively report identifying information (not reprehensible conduct); court reasons moral turpitude inheres here because offense "reflects an intentional attempt to evade responsibility and is intrinsically wrong"; this is distinguished from cases where the individual leaves the scene of a car accident in which only property damage was the result (not seen as morally reprehensible and intrinsically wrong) - Orosco v. Holder, 396 F. App'x 50 (5th Cir. 2010)
Endangering an Injured Victim	**2C:12-1.2**	**MIGHT**	**MIGHT**		See discussion 1.1
Failure to Report Disappearance of a Child	**2C:12-1.3**	**MIGHT** (prior ed.: likely No)	**MIGHT**. (if sees as reprehensible conduct that is "inherently base, vile, or depraved")	**MIGHT**: CODV (child abuse/endangerment)	CODV: circuits are split on whether child endangerment statutes without actual injury are "child abuse" under removal ground; in general, must include a sufficiently high risk of harm (see Liao v. Att'y Gen., 910 F.3d 714 (3d Cir. 2018); though this statute here is not an endangerment statute per se, could qualify as a CODV for "child abuse" if court determines there is a sufficiently high risk of harm
Terroristic Threats	**2C:12-3**	**MIGHT**. Crime of violence if a sentence of 1 year or more is imposed; the Third Circuit has treated a similar Pennsylvania terroristic-threats statute as a crime of violence (see Comments).	**MIGHT** for subsection (a), depending on the purpose and threatened crime identified in the record (see *Larios*). PROBABLY for subsection (b) (threat to kill).		**UPDATE (2026):** *Larios v. Att'y Gen.*, 978 F.3d 62 (3d Cir. 2020), held 2C:12-3(a) divisible by its alternative purposes. The variant charged there (threat to commit a crime of violence with purpose to terrorize or in reckless disregard of the risk of terrorizing) is *not* a CIMT, because its least culpable form is a reckless threat to commit a property-type "crime of violence." *Larios* also held realistic-probability analysis inapplicable in the CIMT context, and *Ndungu v. Att'y Gen.*, 126 F.4th 150 (3d Cir. 2025) confirms that the BIA may not use realistic-probability reasoning to manufacture a categorical match. Other purposes in (a) (e.g., causing evacuation or serious public inconvenience)

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
					were treated as turpitudinous by the BIA in *Matter of Salad*, 27 I&N Dec. 733 (BIA 2020). **Tips:** If a plea to 2C:12-3 cannot be avoided, plead to subsection (a) with the purpose and mens rea specifically identified as in *Larios*, keep the threatened offense non-specific or a property offense, and keep any sentence to 364 days or less. CIMT: 2C:12-3(a) IS divisible and can include both turpitudinous and nonturpitudinous conduct must conduct modified categorical approach to determine if "crime of violence" threatened is simple assault or other non-CIMT crimes, then is NOT a CIMT; however, if is more than simple assault, is likely a CIMT - see Larios v. Att'y Gen., 978 F.3d 62 (3d Cir. 2020), and the earlier case Larios v. Att'y Gen., 402 F. App'x 705 (3d Cir. 2010) (NOTE: statute as divisible also supported by State v. Tindell, 10 A.3d 1203 (NJ Super Ct. App. Div. 2011), State v. Conklin, 927 A.2d 142 (NJ Super Ct. App. Div. 2007), and New Jersey Model Criminal Jury Charge, § 2C:12-3(a)) CIMT (3)(a) - making threats "with purpose…to cause evacuation" somewhere or otherwise "cause serious public inconvenience or in a reckless disregard of the risk of causing such inconvenience" is a CIMT as held by BIA in Matter of Salad, 27 I&N Dec. 733 (BIA 2020) CIMT (3)(b) - BIA held "communication of an intent to injure another by use of violence" is a reprehensible conduct and is a CIMT (see Matter of Salad, 27 I&N Dec. 733 (BIA 2020)); includes those made either with specific intent to terrorize OR with conscious disregard of a substantial and unjustifiable risk of terrorizing another; this applies even if the threatened crime would not itself be a CIMT (see Javier v. Att'y Gen., 826 F.3d 127 (3d Cir. 2016)) The Third Circuit has held that 2C:12-3(a) was not a CIMT. Larios v. Att'y Gen., 978 F.3d 62 (3d Cir. 2020). The Third Circuit has held that a similar PA statute criminalizing making terroristic threats is a crime of violence AF. Bovkun v. Ashcroft, 283 F.3d 166 (3d Cir. 2002); Palmer v. Att'y Gen., 421 F. App'x 181 (3d Cir. 2011). See also Javier v. Att'y Gen., 826 F.3d 127 (3d Cir. 2016) (holding a PA terroristic threats statute was a CIMT); Solomon v. Att'y Gen., 308 F. App'x 644 (3d Cir. 2009) (holding a PA terroristic threats statute was a CIMT).
Stalking	**2C:12-10**	**YES**. (for subsections (b), (c), and (d))	**MIGHT**	**YES**. Could be CODV	AF: Convictions of 2C:12-10(b), (c), and (d) are AF under BIA unpublished decision Alcides Marte-Blanco, A077 888 145 (BIA Feb. 24, 2012); (not overturned by 3d Cir. in Blanco Marte v. Att'y Gen., 417 F. App'x 216 (3d Cir. 2011) CIMT: aggravated stalking is CIMT where there is a "credible threat to kill another or inflict physical injury on the victim" - Matter of Ajami, 22 I&N Dec. 949 (BIA 1999); however, for this NJ statute, conduct does not include a threat to kill or injure another, only to cause fear for safety; therefore, one may be able to argue this statute is insufficient to meet requirement of "inherently base, vile, or depraved" mens rea OR the required reprehensible conduct CODV: 237(a)(2)(E) states that anyone convicted of a "crime of stalking" after being admitted to the US is deportable so long as it is committed against a

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
					qualifying person (spouse, etc. as defined in statute)
Stalking	**2C:12-10.1**	Rules regarding restraining order			
Stalking	**2C:12-10.2**	Rules regarding restraining order			
Disarming Law Enforcement or Corrections Officer	**2C:12-11**	**MIGHT**	**PROBABLY**		AF: requires intent; under United States v. Abdullah, 905 F.3d 739 (3d Cir. 2018), refers to intent as "knowing or intentional." Disarming LE under section (b)(2) requires force or a shot being fired. This may meet the definition of an AF. Under section (a) it is the taking of the weapon and is likely not an AF. CIMT: recklessness is CIMT due to aggravating factors which ensure the least culpable conduct encompassed in statute is "inherently base, vile, or depraved" Baptiste v. Att'y Gen., 841 F3d 601 (3d Cir. 2016) CIMT: additionally, aggravating factor of use of a deadly weapon makes reckless intent sufficient to constitute a CIMT (see Matter of Medina, 15 I&N Dec. 611 (BIA 1976) and Matter of Sanudo, 23 I&N Dec. 968 (BIA 2006)); specifically in Medina, BIA found, even though the IL statute could be violated with a reckless state of mind, the statute was a CIMT because "the violator must show a willingness to commit the act in disregard of the perceived risk"; see also Matter of Wu, 27 I&N Dec. 8 (BIA 2017) finding similar result with CA statute
Throwing Bodily Fluid at Law Enforcement	**2C:12-12**	Definitions of bodily fluid and Department of Corrections employee			
Throwing Bodily Fluid at Law Enforcement	**2C:12-13**	**MIGHT**	**PROBABLY**. (aggravated assault)		AF: any statute that "requires proving the attempted, knowing, or intentional causation of bodily injury, is categorically a violent crime" (United States v. Ramos, 892 F.3d 599 (3d Cir. 2018); statute here is divisible, and unclear if must intend to cause bodily injury; however, is categorized as an "aggravated assault" which may lead courts to find it as an AF CIMT: though is aggravated assault, under least culpable conduct (throwing bodily fluid accidentally towards an officer/staff member) may lead to question as to whether is a reprehensible act and whether is "inherently base, vile, or depraved"

2C:13 – Kidnapping

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Kidnapping	**2C:13-1**	**YES**. Crime of violence; No under 1101(a)(43)(H) (relating to demand for or receipt of ransom)	**PROBABLY**	**MIGHT**: CODV if involves victim who would classify as family member and/or crime against a child	AF: under United States v. Remoi, 404 F.3d 789 (3d Cir. 2005), kidnapping is a "crime of violence" AF (under (H): not a categorical match since AF defined under section (a)(43)(H) lists out specific, enumerated federal statutes; this statute is not a match to any of them; see Matter of A. Vasquez, 271 I&N Dec. 503 (BIA 2019) CIMT: In re Lopez-Meza, 22 I&N Dec. 1188 (BIA 1999) lists kidnapping as a CIMT even if does not have an explicit element of evil intent
Criminal Restraint	**2C:13-2**	**MIGHT**	**PROBABLY**	**MIGHT**. Under (a)(2)(F) for Human Trafficking	(a)(2)(F) for Human Trafficking, especially under 2C:13-2(b) as "involuntary servitude" applies in federal definition too; Possible CODV if involves victim who would classify as family member and/or crime against a child. May not be a CIMT if not related to human trafficking or CODV or child abuse.
False Imprisonment	**2C:13-3**	**MIGHT** (prior ed.: likely No)	**MIGHT** (prior ed.: likely No)	**MIGHT** (prior ed.: most likely not a CODV or (a)(2)(F) Human Trafficking; least culpable conduct less than requirement in federal statute)	The Third Circuit has criticized the BIA's treatment of a disorderly persons offense as a conviction. Castillo v. Att'y Gen., 729 F.3d 296 (3d Cir. 2013). In Kwok Sum Wong, the court questioned whether a NJ DP is a conviction for immigration purposes and remanded for consideration. Kwok Sum Wong v. Barr, 818 F. App'x 44 (2d Cir. 2020). A conviction under this statute as a NJ DP may also not be considered a "felony" due to the length of potential sentence is capped at six months. CIMT most likely not a categorical match as least culpable conduct falls outside federal generic definition.
Interference with Custody	**2C:13-4**	**MIGHT** (prior ed.: likely No)	**MIGHT** (prior ed.: likely No)	**MIGHT**. A crime against a child	AF (under crime of violence, which requires use, attempted use, or threatened use of physical force 18 U.S.C. §16): has to have actually happened, not just that it would happen; see: Stubbs v. Att'y Gen., 452 F.3d 251 (3d Cir. 2006); this statute does not include physical/violent force CIMT: must have both "reprehensible conduct" and a mens rea of "an appreciable level of consciousness or deliberation" signifying a "vicious motive or corrupt mind" (see Partyka v. Att'y Gen., 417 F.3d 408 (3d Cir. 2005) and Matter of Tiwari, 19 I&N Dec. 875 (BIA 1989)); least culpable conduct hypothetically necessary to sustain a conviction here could be a parent holding a child because thinks child would be in danger if brought to other parent; therefore, would not meet required "vicious motive of corrupt mind" required nor would be seen as "reprehensible conduct" Child Abuse - conviction is a match for generic definition of child abuse crime only if includes (1) mens rea of at least criminal negligence, (2) an act/omission that qualifies as mistreatment, and (3) harms or has a particular likelihood to harm a minor NOTE: does NOT cause ground of deportation 237(a)(2)(E)(ii) "Violators of Protection Orders" since that federal statute explicitly does not include "support or child custody orders or provisions"
Criminal Coercion	**2C:13-5**	**MIGHT** (prior ed.: likely No)			AF: 18 U.S.C. § 16(a) requires use of violent force, but even under this statute's subsection (1), threat of violence does not meet requirement of use of

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
			PROBABLY. Under subsection (1); most likely not under other subsections		violent force CIMT: BIA held "communication of an intent to injure another by use of violence" is a reprehensible conduct and is a CIMT (see Matter of Salad, 27 I&N Dec. 733 (BIA 2020)); applies to subsection (1) but not to other subsections ADVICE: should be able to avoid all possible grounds of removability if statute is deemed indivisible and is reviewed under a categorical analysis since the least culpable conduct fails to meet AF or CIMT
Luring, Enticing Child	**2C:13-6**	**PROBABLY NOT**	**PROBABLY**	**PROBABLY**. A CODV (crime of child abuse); however, most likely not (a)(2)(F) Human Trafficking; least culpable conduct less than requirement in federal statute	AF (under crime of violence, which requires use, attempted use, or threatened use of physical force 18 U.S.C. §16): has to have actually happened, not just that it would happen; see: Stubbs v. Att'y Gen., 452 F.3d 251 (3d Cir. 2006); this statute includes attempt to lure, so least culpable conduct is not a crime of violence CIMT: must have both "reprehensible conduct" and a mens rea of "an appreciable level of consciousness or deliberation" signifying a "vicious motive or corrupt mind" (see Partyka v. Att'y Gen., 417 F.3d 408 (3d Cir. 2005) and Matter of Tiwari, 19 I&N Dec. 875 (BIA 1989)); least culpable conduct hypothetically necessary to sustain a conviction here is mens rea of purpose and also appears to be "reprehensible conduct" Child Abuse - conviction is a match for generic definition of child abuse crime only if includes (1) mens rea of at least criminal negligence, (2) an act/omission that qualifies as mistreatment, and (3) harms or has a particular likelihood to harm a minor's mental or physical well-being; any conviction under this statute appears to meet at least (1) and (2) and most likely meets (3)
Luring, Enticing Adult to Commit Criminal Offense with or Against Person	**2C:-13-7**	**MIGHT** (prior ed.: likely No)	**MIGHT**. Probably not	**MIGHT** (prior ed.: most likely not a CODV or (a)(2)(F) Human Trafficking; least culpable conduct less than requirement in federal statute)	AF (under crime of violence, which requires use, attempted use, or threatened use of physical force 18 U.S.C. §16): has to have actually happened, not just that it would happen; see: Stubbs v. Att'y Gen., 452 F.3d 251 (3d Cir. 2006); this statute includes attempt to lure, so least culpable conduct is not a crime of violence CIMT: must have both "reprehensible conduct" and a mens rea of "an appreciable level of consciousness or deliberation" signifying a "vicious motive or corrupt mind" (see Partyka v. Att'y Gen., 417 F.3d 408 (3d Cir. 2005) and Matter of Tiwari, 19 I&N Dec. 875 (BIA 1989)); least culpable conduct hypothetically necessary to sustain a conviction here is mens rea of purpose and also appears to be "reprehensible conduct." The offense to be committed would likely also have to be a categorical match to a CIMT.
Human Trafficking	**2C:13-8**	(Crime of violence) = Possibly yes under (a)(1)(a) and (a)(3); most likely not under all other subsections (Sexual Abuse of a Minor) = under (a)(3), most likely is a match	**MIGHT**. Depends on subsection	**MIGHT**. Under (a)(2)(F) for Human Trafficking, but most likely not a match (NJ overbroad)	AF (crime of violence): only subsections (a)(1)(a) and (a)(3) include use of physical or violent force; both are silent on mens rea; NJ gap-filling statute indicates mens rea is "knowingly," thus meeting crime of violence requirement ONLY in those two subsections AF (sexual abuse of a minor): 3d Cir. holds generic definition of AF "sexual assault of a minor" is where (1) "knowingly engaged in an act that constitutes criminal sexual conduct" and (2) did so with a victim of the age the statute requires, regardless if actor "knew or reasonably should have known the

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
					person's age." Grijalva Martinez v. Att'y Gen., 978 F.3d 860 (3d Cir. 2020); this statute subsection (3) meets this definition CIMT: must have both "reprehensible conduct" and a mens rea of "an appreciable level of consciousness or deliberation" signifying a "vicious motive or corrupt mind" (see Partyka v. Att'y Gen., 417 F.3d 408 (3d Cir. 2005) and Matter of Tiwari, 19 I&N Dec. 875 (BIA 1989)) CIMT: so, must look at subsection of conviction to determine if meet CIMT federal definition (a)(2)(F) for Human Trafficking is possible; however, must check 212(a)(2)(H) for description of inadmissibility that is cited in 237(a)(2)(F) ground of removability; NJ statute is much broader than federal statute in that includes sexual activity, not just "severe forms of trafficking" where sex trafficking must be for a commercial sex act; least culpable conduct in NJ statute is touching, which is not a match
Human Trafficking	**2C:13-8.1**	Rules			
Human Trafficking	**2C:13-9**	**MIGHT** (prior ed.: most likely no (no physical force))	**PROBABLY**. Under (a)(1); possibly no under (a)(2)	**MIGHT**. Under (a)(2)(F) for Human Trafficking, but most likely not a match (NJ overbroad)	AF (under crime of violence, which requires use, attempted use, or threatened use of physical force 18 U.S.C. §16): has to have actually happened, not just that it would happen; see: Stubbs v. Att'y Gen., 452 F.3d 251 (3d Cir. 2006); this statute includes attempt to procure; also is devoid of any physical or violent force CIMT: (a)(1)'s least culpable conduct could be seen as reprehensible and "inherently vile, base, or depraved"; however, (a)(2)'s least culpable conduct requires only a reasonable person standard, which may be less than the required mens rea for a CIMT ADVICE: should be able to avoid all possible grounds of removability if statute is deemed indivisible and is reviewed under a categorical analysis since the least culpable conduct fails to meet AF or CIMT (a)(2)(F) for Human Trafficking is possible; however, must check 212(a)(2)(H) for description of inadmissibility that is cited in 237(a)(2)(F) ground of removability; NJ statute is much broader than federal statute in that includes sexual activity
Human Trafficking	**2C:13-10**	Legislative Findings			
Human Trafficking	**2C:13-11**	Policy/Coordination			
Human Trafficking	**2C:13-12**	Training/Accommodations			

2C:14 – Sexual Assault

Chapter note: Sexual abuse of a minor (§ 101(a)(43)(A)) based solely on the victim's age requires a victim under 16. *Esquivel-Quintana v. Sessions*, 581 U.S. 385 (2017). Sexual offenses involving a minor will usually also be a CIMT and a crime of child abuse. See *Almanza v. Att'y Gen.*, 723 F. App'x 129 (3d Cir. 2018) (non-precedential) (2C:14-3(b) AF under the modified categorical approach where the victim was 13 to 16). Failure to register as a sex offender is a separate deportability ground.

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Sexual Assault	**2C:14-1**	In Restrepo, the BIA determined that the term "sexual abuse of a minor" is most appropriately defined by 18 U.S.C. § 3509(a)(8). The Third Circuit acknowledged in Cabeda v. Att'y Gen., 971 F.3d 165 (3d Cir. 2020) that § 3509(a)(8) does not specify a mens rea requirement. Id. at 173. In turn, the Third Circuit turned to 18 U.S.C. § 2243, which requires "knowing conduct as the sexual act in question," but "establishes that no knowledge at all is required with respect to the victim's age." Id. In accordance with this interpretation, the Third Circuit held that the federal generic offense of sexual abuse of a minor requires knowing conduct as to the sexual act. Id. at 173-74. It does not require proof that the defendant knew the victim's age. See Grijalva Martinez v. Att'y Gen., 978 F.3d 860 (3d Cir. 2020). Any crime that involves sexual abuse of a minor will most likely be deemed an aggravated felony, CIMT, and a crime of child abuse.			
Sexual Assault (Aggravated)	**2C:14-2(a)(1)**	**YES**	**YES**	**YES**: CAC	
Sexual Assault (Aggravated)	**2C:14-2(a)(2)**	**YES**	**YES**	**YES**: CAC	The petitioner in Restrepo was convicted of aggravated criminal sexual contact in violation of N.J. Stat. Ann. §§ 2C:14-3(a) and 2C:14-2(a)(2)(a), an offense that criminalizes engaging in "sexual contact" with a victim, § 2C:14-3(a), when "[t]he victim is at least 13 but less than 16 years old," § 2C:14-2(a)(2), and the defendant "is related to the victim by blood or affinity to the third degree," § 2C:14-2(a)(2)(a). It was held to be an aggravated felony. Restrepo v. Att'y Gen. of U.S., 617 F.3d 787 (3d Cir. 2010)
Sexual Assault (Aggravated)	**2C:14-2(a)(3)**	**YES**	**YES**		
Sexual Assault (Aggravated)	**2C:14-2(a)(4)**	**YES**	**YES**		
Sexual Assault (Aggravated)	**2C:14-2(a)(5)**	**MIGHT**	**YES**		
Sexual Assault (Aggravated)	**2C:14-2(a)(6)**	**YES**	**YES**		
Sexual Assault (Aggravated)	**2C:14-2(a)(7)**	**YES**	**YES**		Remoi v. Att'y Gen., 175 F. App'x 580 (3d Cir. 2006) - "Penetration against a 'physically helpless, mentally defective or mentally incapacitated' victim … constitutes a 'forcible sexual offense' " and is therefore a crime of violence "
Sexual Assault	**2C:14-2(b)**	**YES**	**YES**	**YES**: CAC	If the term of imprisonment imposed is at least one year it may also be deemed Crime of Violence
Sexual Assault	**2C:14-2(c)**				Section 2C:14-2(c)(1)-(5) sets forth a series of "alternatively phrased" factual scenarios. Each subsection requires proof of a fact not required by another subsection, and each subsection contains a separate element that must be

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
					proven to secure a conviction. Due to these multiple alternate elements, this statute is deemed divisible which requires that court to apply the modified categorical approach. See Grijalva Martinez v. Att'y Gen., 978 F.3d 860 (3d Cir. 2020)
Sexual Assault	**2C:14-2(c)(1)**	**YES**	**YES**		In Ijalana v. Att'y Gen, the government conceded that under this section of the statute a person may be convicted of this crime, but it does not require that the victim be a minor. Ijalana v. Att'y Gen., 257 F. App'x 594 (3d Cir. 2007)
Sexual Assault	**2C:14-2(c)(2)**	**YES**	**PROBABLY**	**YES**: CAC	Samuel Deemi v. Att'y Gen. No.17-2287 (3d Cir. 2021) - remanded to BIA, where BIA held that offenses under § 2C:14-2c(2) are categorically turpitudinous, Third remanded without expressing an opinion, but asking BIA to consider the full scope of precedent on the issue.
Sexual Assault	**2C:14-2(c)(3)**	**YES**	**PROBABLY**	**YES**: CAC	This victim is 16-18 with penetration, which may not be a CIMT depending on relationship to V
Sexual Assault	**2C:14-2(c)(4)**	**YES**	**PROBABLY**	**YES**: CAC	This offense has two components: knowing act & the age of the victim and defendant. Both the federal generic offense and this statute make it a crime to engage in prohibited acts with individuals who are at least 13 but less than 16. See Esquivel-Quintana v. Sessions, 137 S. Ct. 1562, 1568 (2017). As previously mentioned, neither the federal generic offense nor this state statute require proof that the defendant knew the age of the victim. Rather, a defendant can be convicted of criminal sexual contact even if he did not know and even if could not reasonably have known, that the victim was underage. See Grijalva Martinez v. Att'y Gen., 978 F.3d 860 (3d Cir. 2020) In Almanza, the court found that this is a divisible statute and evaluated the plea colloquy transcript. The court held that the defendant's conviction under this statute was not broader than the federal definition of sexual abuse of a minor. Almanza v. Att'y Gen., 723 F. App'x 129 (3d Cir. 2018)
Sexual Assault	**2C:14-2(c)(5)**	**YES**	**YES**		
Sexual Assault	**2C:14-2.1**	Rules			
Criminal Sexual Conduct	**2C:14-3**	**YES**	**PROBABLY**	**YES**: CAC	**UPDATE (2026):** *Almanza v. Att'y Gen.*, 723 F. App'x 129 (3d Cir. 2018) (non-precedential), held 2C:14-3(b) not categorically "sexual abuse of a minor," but under the modified categorical approach found the variant involving a victim aged 13 to 16 to be an AF. Assume an AF wherever the record shows a minor victim. Similar Case: Restrepo v. Att'y Gen., 617 F.3d 787 (3d Cir. 2010); If term of imprisonment is at least one year it could also be deemed a crime of violence. If offense is against a child also likely AF and CAC. A defendant can be convicted under § 2C:14-3b for sexual contact with an adult, a conviction under that statute does not categorically qualify as sexual abuse of a minor. As long as the record is clear that the victim was under age 16 (Esquivel-Quintana, 137 S. Ct. at 1568 ("[T]he generic federal definition of sexual abuse of a minor requires that the victim be younger than 16.")., this is an AF. If the record does

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
					not disclose that the victim is a minor, then this is a CIMT only, not an AF. Almanza v. Att'y Gen., 723 F. App'x 129 (3d Cir. 2018) - the court discussed that a defendant can be convicted for sexual contact with an adult, and a conviction under that statute does not categorically qualify as a sexual abuse of a minor. Likely CIMT
Lewdness	**2C:14-4(a)**	**MIGHT** (prior ed.: likely no)	**PROBABLY**		In Matter of Medina, 26 I&N Dec. 79 (2013), the BIA held that the offense of indecent exposure was in violation of section 314(1) of the California Penal Code, which includes the element of lewd intent, was categorically a CIMT. It could be argued that NJ statute does not require lewd intent, only knowledge or awareness of the act/conduct. Therefore, it is not a CIMT.
Lewdness	**2C:14-4(b)(1)**	**YES**	**PROBABLY**	**YES**: CAC	In Matter of Medina, 26 I&N Dec. 79 (2013), the BIA held that the offense of indecent exposure was in violation of section 314(1) of the California Penal Code, which includes the element of lewd intent, was categorically a CIMT. It could be argued that NJ statute does not require lewd intent, only knowledge or awareness of the act/conduct. Therefore, it is not a CIMT. In re Rodriguez–Rodriguez, 22 I&N Dec. 991 (BIA 1999), the BIA held that the alien's offense —indecently exposing himself with the knowledge that a child was present with the intent to gratify the sexual desire of "any person"—constituted "sexual abuse of a minor." Id. at 993.
Lewdness	**2C:14-4(b)(2)**	**MIGHT** (prior ed.: likely no)	**MIGHT** (prior ed.: likely no)		
Other	**2C:14-5**	Provisions			
Other	**2C:14-6**	Sentencing			
Other	**2C:14-7**	Evidence			
Other	**2C:14-8**				
Invasion of Privacy	**2C:14-9**	**MIGHT** (prior ed.: likely not, depends on victim)	**PROBABLY**	**MIGHT**: CODV and CAC	The federal generic statute for this type of offense is 18 U.S.C.A § 1801 - Voyeurism. The NJ statute punishes the "peeping Tom" as a fourth degree offense and filming as a third degree offense.
Invasion of Privacy	**2C:14-10**	**MIGHT** (prior ed.: likely no, depends on victim)	**PROBABLY**	**MIGHT**: CODV and CAC	If the record of conviction establishes that the victim was a minor, the government may charge the offense as an aggravated felony for sexual abuse of a minor under 8 U.S.C. 1101(a)(43)(A). This type of offense may also be deemed stalking under the Domestic Violence ground of removal, and Crime Against Children if the victim is a minor. Counsel can argue that the age of the victim is "not required" in order to convict the defendant of any element of this offense. Additionally, counsel can argue that since the victim is not required to be aware of the conduct, the offense is not per se harmful to the victim. In re Sigifredo Rivera-Loya, the court held that the unlawful sexual contact under COLO. REV. STAT § 18-3-404(1.7) (2000) is a CIMT. The statute under which the respondent was convicted describes conduct, i.e. the non-consensual observation of another's intimate parts for one's own sexual gratification,

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
					which we consider to be inherently reprehensible. Additionally, the fact that such must be "knowingly" committed demonstrates a degree of scienter sufficient to satisfy the moral turpitude standard. In re Sigifredo Rivera-Loya, No.: AXXX XX8 540 - DEN, 2011 WL 2470954 (DCBABR May 31, 2011). This was reiterated in Sifuentes-Felix v. Holder, 570 F. App'x 803 (10th Cir. 2014).
Invasion of Privacy	**2C:14-12**	**MIGHT** (prior ed.: likely no, depends on victim)	**PROBABLY**	**MIGHT**: CODV and CAC	In re Sigifredo Rivera-Loya, the court held that the unlawful sexual contact under COLO. REV. STAT § 18-3-404(1.7) (2000) is a CIMT. The statute under which the respondent was convicted describes conduct, i.e. the non-consensual observation of another's intimate parts for one's own sexual gratification, which we consider to be inherently reprehensible. Additionally, the fact that such must be "knowingly" committed demonstrates a degree of scienter sufficient to satisfy the moral turpitude standard. In re Sigifredo Rivera-Loya, No.: AXXX XX8 540 - DEN, 2011 WL 2470954 (DCBABR May 31, 2011). This was reiterated in Sifuentes-Felix v. Holder, 570 F. App'x 803 (10th Cir. 2014).
"Sex Crime Victim Treatment Fund"	**2C:14-10**	Penalties			
"Sex Crime Victim Treatment Fund"	**2C:14-11**	Definitions			
"Sex Crime Victim Treatment Fund"	**2C:14-12**	Policies/Rules			
"Sexual Assault Survivor Protection Act of 2015"	**2C:14-13**	Short Title			
"Sexual Assault Survivor Protection Act of 2015"	**2C:14-14**	Definitions/Requirements			
"Sexual Assault Survivor Protection Act of 2015"	**2C:14-15**	TPO/Procedure			
"Sexual Assault Survivor Protection Act of 2015"	**2C:14-16**	Final protective order/Procedure			
"Sexual Assault Survivor Protection Act of 2015"	**2C:14-17**	Scope of order			
"Sexual Assault Survivor Protection	**2C:14-18**	Protective Order violation			

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Act of 2015”					
“Sexual Assault Survivor Protection Act of 2015”	**2C:14-19**	Records			
“Sexual Assault Survivor Protection Act of 2015”	**2C:14-20**	Registry and enforcement			

2C:15 – Robbery and Carjacking

Chapter note: Robbery under 2C:15-1 is divisible. *United States v. McCants*, 952 F.3d 416 (3d Cir. 2020) (subsection (a)(2) fits generic robbery under the Guidelines' enumerated-offense clause); *United States v. Knight*, 705 F. App'x 58 (3d Cir. 2017) (non-precedential) (divisible between first and second degree); *United States v. Volek*, 796 F. App'x 123 (3d Cir. 2019) (non-precedential); *United States v. Racioppi*, 807 F. App'x 153 (3d Cir. 2020) (non-precedential). In the immigration context, second-degree robbery categorically matched generic theft, so a sentence of 1 year or more makes it a theft AF; with a sentence of 5 years or more it was also a particularly serious crime barring asylum and withholding. *K.A. v. Att'y Gen.*, No. 17-3640, 2021 WL 1743565 (3d Cir. May 4, 2021) (non-precedential). The Eighth Circuit held 2C:15-1(a)(1) armed robbery a violent felony under ACCA. *Garcia-Hernandez v. United States*, 915 F.3d 558 (8th Cir. 2019). Advise that any robbery conviction with a sentence of 1 year or more is an AF.

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Robbery	**2C:15-1**	This is a divisible statute that requires a minimum mens rea only of recklessness. Briolo v. Att'y Gen., 515 F. App'x 126 (3d Cir. 2013). Theft is included in this statute, and theft is also a category of an aggravated felony.			
Robbery	**2C:15-1(a)**	An act shall be deemed to be included in the phrase "in the course of committing a theft" if it occurs in an attempt to commit theft or in immediate flight after the attempt or commission.			
Robbery	**2C:15-1(a)(1)**	**YES**. If 1 year or more sentence is imposed	**YES**		AF: It is impossible to commit this offense without committing or attempting to commit a theft, so it will be an aggravated felony if the sentence imposed is 1 year imprisonment or more. AF: In Briolo v. Att'y Gen., 515 F. App'x 126 (3d Cir. 2013), the court established that a conviction of robbery under this statute constitutes an aggravated felony as both a "crime of violence" and a theft offense. Additionally, they note that it will certainly constitute a theft offense because the statute defines robbery as the "commission of certain acts 'in the course of committing a theft.'". CIMT: Committing theft is categorically a CIMT, and Matter of Diaz-Lizarraga, 26 I&N Dec. 847 (BIA 2016) dealt with a definition of "theft" identical to the one in NJ.
Robbery	**2C:15-1(a)(2)**	**YES**. If 1 year or more sentence is imposed	**YES**		AF: In Briolo v. Att'y Gen., 515 F. App'x 126 (3d Cir. 2013), the court established that a conviction of robbery under this statute constitutes an aggravated felony as both a "crime of violence" and a theft offense. Additionally, they note that it will certainly constitute a theft offense because the statute defines robbery as the "commission of certain acts 'in the course of committing a theft.'". CIMT: Committing theft is categorically a CIMT, and Matter of Diaz-Lizarraga, 26 I&N Dec. 847 (BIA 2016) dealt with a definition of "theft" identical to the one in NJ.
Robbery	**2C:15-1(a)(3)**	**YES**. If 1 year or more sentence is imposed	**YES**		AF: In Briolo v. Att'y Gen., 515 F. App'x 126 (3d Cir. 2013), the court established that a conviction of robbery under this statute constitutes an aggravated felony as both a "crime of violence" and a theft offense. Additionally, they note that it will certainly constitute a theft offense because the statute defines robbery as the "commission of certain acts 'in the course of

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
					committing a theft.'". CIMT: Committing theft is categorically a CIMT, and Matter of Diaz-Lizarraga, 26 I&N Dec. 847 (BIA 2016) dealt with a definition of "theft" identical to the one in NJ.
Carjacking	**2C:15-2(a)**	An act shall be deemed to be "in the course of committing an unlawful taking of a motor vehicle" if it occurs during an attempt to commit the unlawful taking of a motor vehicle or during an immediate flight after the attempt or commission.			
Carjacking	**2C:15-2(a)(1)**	**PROBABLY**. If 1 year or more sentence is imposed	**PROBABLY**		AF: This could fall under the theft offense prong or the crime of violence prong, both of which require a term of imprisonment of 1 year to count as an AF. AF: The BIA found that the offense of "carjacking" has an element of the use or threatened use of physical force, and the offense by its very nature, involves a substantial risk that physical force may be used in the course of committing the crime. In re Elver Angel Edgardo Leon-Chulo A.K.A. Elber Leon, No.: AXX XX5 491 - SAN, 2004 WL 2943536 (DCBABR Nov. 2, 2004) CIMT: Even though this statute includes temporary takings of vehicles as the included offense is defined in N.J.S.A. 2C:20-10(b)-(c), the added element of inflicting injury or force likely makes this a CIMT.
Carjacking	**2C:15-2(a)(2)**	**PROBABLY**. If 1 year or more sentence is imposed	**PROBABLY**		
Carjacking	**2C:15-2(a)(3)**	**PROBABLY**. If 1 year or more sentence is imposed	**PROBABLY**		
Carjacking	**2C:15-2(a)(4)**	**PROBABLY**. If 1 year or more sentence is imposed	**MIGHT**		
Carjacking	**2C:15-2(b)**	Grading			

2C:16 – Bias Intimidation

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Bias Intimidation	**2C:16-1(a)**				N.J.S.A. 2C:11: Homicide N.J.S.A. 2C:11A: Human Cloning N.J.S.A. 2C:12: Assaults; Threats; Stalking N.J.S.A. 2C:13: Kidnapping; Coercion N.J.S.A. 2C:14: Sexual Offenses N.J.S.A. 2C:15: Robbery; Carjacking N.J.S.A. 2C:16: Bias Crimes N.J.S.A. 2C:17: Arson, Criminal Mischief, and Other Property Destruction N.J.S.A. 2C:18: Burglary N.J.S.A. 2C:28-4:False reports to law enforcement authorities N.J.SA. 2C:33-4: Harassment N.J.S.A. 2C:39-3: Prohibited weapons and devices N.J.S.A. 2C:39-4: Possession of weapons for unlawful purposes N.J.S.A. 2C:39-5: Unlawful possession of weapons
Bias Intimidation	**2C:16-1(a)(1)**	**MIGHT** (prior ed.: likely not)	**PROBABLY**		Underlying offense may be an AF, CIMT, or FO.
Bias Intimidation	**2C:16-1(a)(2)**	**MIGHT** (prior ed.: likely not)	**PROBABLY**		Underlying offense may be an AF, CIMT, or FO.
Bias Intimidation	**2C:16-1(a)(3)**	**MIGHT** (prior ed.: likely not but unlikely to have conviction)	**PROBABLY**. But unlikely to have conviction		In State v. Pomianek, 221 N.J. 66 (2015), the NJ Supreme Court held that 2C:16-1(a)(3) was unconstitutional as it "fails to give adequate notice of conduct that it proscribes, the statute is unconstitutionally vague and violates notions of due process protected by the Fourteenth Amendment."
Bias Intimidation	**2C:16-1(b)**	Inference			
Bias Intimidation	**2C:16-1(c)**	Grading			
Bias Intimidation	**2C:16-1(d)**	Exemption			
Bias Intimidation	**2C:16-1(e)**	Merger			
Bias Intimidation	**2C:16-1(f)**	Additional penalties			
Bias Intimidation	**2C:16-1(g)**	Definition			
Bias Intimidation	**2C:16-1(h)**	Defense			

2C:17 – Arson and Related Crimes

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Arson and Related Offenses	**2C:17-1(a)(1)**	**PROBABLY**. If at least 1 year prison sentence imposed (crime of violence)	**PROBABLY**	**PROBABLY**. If: the victim was a current or former spouse or someone similarly situated (crime of domestic violence); if the victim had a protective order against the respondent (violation of protection order); or if the victim was a child (crime against children); or if the crime involved a destructive device as defined in 18 U.S.C. 921(a) (firearm or destructive device)	AF under INA 43(E)(i) includes federal statute for arson 18 U.S.C. §844(i); under Torres v. Lynch, 136 S. Ct. 1619 (2016), opinion states that a NY statute that is a match to the federal statute except for federal element of "used in interstate or foreign commerce" IS a categorical match; dissent says it is NOT Here, may be able to distinguish two definitions further since federal requires (1) maliciously, (2) damages or destroys, (3) by means of fire or an explosive, (4) any building, vehicle, or other real or personal property, (5) used in interstate or foreign commerce; NJ statute says "purposely or knowingly" to placing another in danger, but NOT in reference to starting the fire, plus says nothing about damaging or destroying the property; therefore, most likely not a match under 43(i) However, most likely is a match under crime of violence since has mens rea (purposely or knowingly) and use of force (starting a fire or causing an explosion) as long as sentence at least 1 year CIMT: most likely seen as an act that requires vicious motive/corrupt mind (especially since has mens rea of purposefully or knowingly) AND what could be seen as reprehensible conduct In In re Gonzalo Palacios-Pinera, the BIA held that arson was a crime of violence under 18 U.S.C. § 16(b). In re Gonzalo, 22 I&N Dec. 434 (BIA 1998); see also Salim v. Reno, CIVIL ACTION NO. 2000-CV-4603, 2000 U.S. Dist. LEXIS 19223 (E.D. Pa. Jan. 16, 2000). However, 18 U.S.C. § 16(b) was found unconstitutional. Sessions v. Dimaya, 138 S. Ct. 1204 (2018). Argue that the least culpable conduct is to start a fire or cause an explosion on one's own property, which is not a crime of violence. See Tran v. Gonzales, 414 F.3d 464 (3d Cir. 2005). Additionally, argue that starting a fire or causing an explosion is not the use of force. Id. Further, in order to be considered an Crime of Violence AF, the offense must be conducted with the specific intent to bring about force. Leocal v. Ashcroft, 543 U.S. 1 (2004). A crime that involves recklessness might not qualify under this definition. See id.; Tran v. Gonzales, 414 F.3d 464 (3d Cir. 2005). Negotiate for a sentence under one year. In Matter of Robert Bautista, the BIA held arson was an aggravated felony. But the Third Circuit vacated the decision because the federal statute had a jurisdictional requirement the state statute did not. Bautista v. Att'y Gen., 744 F.3d 54 (3d Cir. 2014). But the Supreme Court held that the lack of a jurisdictional element does not disqualify a state conviction from being an aggravated felony. Torres v. Lynch, 136 S. Ct. 1619 (2016) (holding that a NY arson statute was an aggravated felony under 8 U.S.C. § 1101(43)(E)(i)). Argue that the enumerated sections of 18 U.S.C. § 844 are not categorical matches to the NJ statute.
Arson and Related Offenses	**2C:17-1(a)(2)**	**PROBABLY**. (1) if match to federal arson definition, and/or (2) if at least 1 year prison sentence imposed	**PROBABLY**	**PROBABLY**. If: the victim was a current or former spouse or someone similarly	AF under INA 43(E)(i) includes federal statute for arson 18 U.S.C. §844(i); under Torres v. Lynch, 136 S. Ct. 1619 (2016), opinion states that a NY statute that is a match to the federal statute except for federal element of "used in interstate or foreign commerce" IS a categorical match; dissent says it is NOT

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
		(crime of violence)		situated (crime of domestic violence); if the victim had a protective order against the respondent (violation of protection order); or if the victim was a child (crime against children); or if the crime involved a destructive device as defined in 18 U.S.C. 921(a) (firearm or destructive device)	Here, difficult to distinguish two definitions since federal requires (1) maliciously, (2) damages or destroys, (3) by means of fire or an explosive, (4) any building, vehicle, or other real or personal property, (5) used in interstate or foreign commerce; therefore, regardless length of sentence, and under Torres v. Lynch, most likely IS a match under 43(i) Most likely is also a match under crime of violence since has mens rea (purposely or knowingly) and use of force (starting a fire or causing an explosion), as long as sentence at least 1 year CIMT: most likely seen as an act that requires vicious motive/corrupt mind (especially since has mens rea of purposefully or knowingly) AND what could be seen as reprehensible conduct CIMT: see Vuksanovic v. Att'y Gen., 439 F.3d 1308 (11th Cir. 2006) where FL arson statute determined to be CIMT where was willful destruction of a structure by fire or explosion without a lawful, legitimate purpose; though that case is only persuasive, may distinguish here since statute does NOT state anything about legitimate purpose as therefore making this not a CIMT; however, most likely the court will see this action as reprehensible and sufficient for a CIMT In In re Gonzalo Palacios-Pinera, the BIA held that arson was a crime of violence under 18 U.S.C. § 16(b). In re Gonzalo, 22 I&N Dec. 434 (BIA 1998); see also Salim v. Reno, CIVIL ACTION NO. 2000-CV-4603, 2000 U.S. Dist. LEXIS 19223 (E.D. Pa. Jan. 16, 2000). However, 18 U.S.C. § 16(b) was found unconstitutional. Sessions v. Dimaya, 138 S. Ct. 1204 (2018). Argue that the least culpable conduct is to start a fire or cause an explosion on one's own property, which is not a crime of violence. See Tran v. Gonzales, 414 F.3d 464 (3d Cir. 2005). Additionally, argue that starting a fire or causing an explosion is not the use of force. Id. Further, in order to be considered an Crime of Violence AF, the offense must be conducted with the specific intent to bring about force. Leocal v. Ashcroft, 543 U.S. 1 (2004). A crime that involves recklessness might not qualify under this definition. See id.; Tran v. Gonzales, 414 F.3d 464 (3d Cir. 2005). Negotiate for a sentence under one year. In Matter of Robert Bautista, the BIA held arson was an aggravated felony. But the Third Circuit vacated the decision because the federal statute had a jurisdictional requirement the state statute did not. Bautista v. Att'y Gen., 744 F.3d 54 (3d Cir. 2014). But the Supreme Court held that the lack of a jurisdictional element does not disqualify a state conviction from being an aggravated felony. Torres v. Lynch, 136 S. Ct. 1619 (2016) (holding that a NY arson statute was an aggravated felony under 8 U.S.C. § 1101(43)(E)(i)). Argue that the enumerated sections of 18 U.S.C. § 844 are not categorical matches to the NJ statute.
Arson and Related Offenses	**2C:17-1(a)(3)**	**PROBABLY**. (1) if match to federal arson definition, and/or (2) if at least 1 year prison sentence imposed and loss to victim exceeds $10,000.00 (fraud); most	**PROBABLY**	**PROBABLY**. If: the victim was a current or former spouse or someone similarly situated (crime of domestic violence); if the	(1) AF under INA 43(E)(i) can be a match since using fire to commit any felony, such as insurance fraud, if damage is sufficient to meet threshold for insurance fraud felony (2) AF under fraud if at least 1 year prison sentence and loss to victim exceeds $10,000

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
		likely not an AF for crime of violence since reckless mens rea		victim had a protective order against the respondent (violation of protection order); or if the victim was a child (crime against children); or if the crime involved a destructive device as defined in 18 U.S.C. 921(a) (firearm or destructive device)	(3) AF NOT a crime of violence since reckless mens rea is not a match CIMT: most likely seen as an act that requires vicious motive/corrupt mind (especially since has mens rea of purposefully or knowingly) AND what could be seen as reprehensible conduct since recklessly places others in danger (recklessness can be sufficient if shows a conscious disregard for life; recklessness also sufficient where aggravating factors, such as in this statute) In In re Gonzalo Palacios-Pinera, the BIA held that arson was a crime of violence under 18 U.S.C. § 16(b). In re Gonzalo, 22 I&N Dec. 434 (BIA 1998); see also Salim v. Reno, CIVIL ACTION NO. 2000-CV-4603, 2000 U.S. Dist. LEXIS 19223 (E.D. Pa. Jan. 16, 2000). However, 18 U.S.C. § 16(b) was found unconstitutional. Sessions v. Dimaya, 138 S. Ct. 1204 (2018). Argue that the least culpable conduct is to start a fire or cause an explosion on one's own property, which is not a crime of violence. See Tran v. Gonzales, 414 F.3d 464 (3d Cir. 2005). Additionally, argue that starting a fire or causing an explosion is not the use of force. Id. Further, in order to be considered an Crime of Violence AF, the offense must be conducted with the specific intent to bring about force. Leocal v. Ashcroft, 543 U.S. 1 (2004). A crime that involves recklessness might not qualify under this definition. See id.; Tran v. Gonzales, 414 F.3d 464 (3d Cir. 2005). Negotiate for a sentence under one year. In Matter of Robert Bautista, the BIA held arson was an aggravated felony. But the Third Circuit vacated the decision because the federal statute had a jurisdictional requirement the state statute did not. Bautista v. Att'y Gen., 744 F.3d 54 (3d Cir. 2014). But the Supreme Court held that the lack of a jurisdictional element does not disqualify a state conviction from being an aggravated felony. Torres v. Lynch, 136 S. Ct. 1619 (2016) (holding that a NY arson statute was an aggravated felony under 8 U.S.C. § 1101(43)(E)(i)). Argue that the enumerated sections of 18 U.S.C. § 844 are not categorical matches to the NJ statute.
Arson and Related Offenses	**2C:17-1(a)(4)**	**PROBABLY**. If at least 1 year prison sentence imposed and loss to victim exceeds $10,000.00 (fraud); most likely not an AF for crime of violence since reckless mens rea; most likely not an AF for arson crime	**PROBABLY**	**PROBABLY**. If: the victim was a current or former spouse or someone similarly situated (crime of domestic violence); if the victim had a protective order against the respondent (violation of protection order); or if the victim was a child (crime against children); or if the crime involved a destructive device as defined in 18 U.S.C. 921(a) (firearm or destructive device)	AF under fraud if at least 1 year prison sentence and loss to victim exceeds $10,000; most likely NOT a crime of violence since reckless mens rea is not sufficient; also most likely NOT an AF under arson crime 43(i) since this statute is specific to exempt from regulations (most likely not a felony) CIMT: see Vuksanovic v. Att'y Gen., 439 F.3d 1308 (11th Cir. 2006) where FL arson statute determined to be CIMT where was willful destruction of a structure by fire or explosion without a lawful, legitimate purpose; though that case is only persuasive, demonstrates how this conduct for a nonlegitimate purpose may be seen as reprehensible action, sufficient for a CIMT, especially where puts others in danger of death or bodily injury In In re Gonzalo Palacios-Pinera, the BIA held that arson was a crime of violence under 18 U.S.C. § 16(b). In re Gonzalo, 22 I&N Dec. 434 (BIA 1998); see also Salim v. Reno, CIVIL ACTION NO. 2000-CV-4603, 2000 U.S. Dist. LEXIS 19223 (E.D. Pa. Jan. 16, 2000). However, 18 U.S.C. § 16(b) was found unconstitutional. Sessions v. Dimaya, 138 S. Ct. 1204 (2018). Argue that the least culpable conduct is to start a fire or cause an explosion on one's own property, which is not a crime of violence. See Tran v. Gonzales, 414 F.3d 464 (3d Cir. 2005). Additionally, argue that starting a fire or causing an explosion is

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
					not the use of force. Id. Further, in order to be considered an Crime of Violence AF, the offense must be conducted with the specific intent to bring about force. Leocal v. Ashcroft, 543 U.S. 1 (2004). A crime that involves recklessness might not qualify under this definition. See id.; Tran v. Gonzales, 414 F.3d 464 (3d Cir. 2005). Negotiate for a sentence under one year. In Matter of Robert Bautista, the BIA held arson was an aggravated felony. But the Third Circuit vacated the decision because the federal statute had a jurisdictional requirement the state statute did not. Bautista v. Att'y Gen., 744 F.3d 54 (3d Cir. 2014). But the Supreme Court held that the lack of a jurisdictional element does not disqualify a state conviction from being an aggravated felony. Torres v. Lynch, 136 S. Ct. 1619 (2016) (holding that a NY arson statute was an aggravated felony under 8 U.S.C. § 1101(43)(E)(i)). Argue that the enumerated sections of 18 U.S.C. § 844 are not categorical matches to the NJ statute.
Arson and Related Offenses	**2C:17-1(a)(5)**	**PROBABLY**. If at least 1 year prison sentence imposed (crime of violence)	**PROBABLY**		AF: Meets both the mens rea and the use of violence or force CIMT: see Vuksanovic v. Att'y Gen., 439 F.3d 1308 (11th Cir. 2006) where FL arson statute determined to be CIMT where was willful destruction of a structure by fire or explosion without a lawful, legitimate purpose; though that case is only persuasive, may distinguish here since statute does NOT state anything about legitimate purpose as therefore making this not a CIMT; however, most likely the court will see this action as reprehensible and sufficient for a CIMT In In re Gonzalo Palacios-Pinera, the BIA held that arson was a crime of violence under 18 U.S.C. § 16(b). In re Gonzalo, 22 I&N Dec. 434 (BIA 1998); see also Salim v. Reno, CIVIL ACTION NO. 2000-CV-4603, 2000 U.S. Dist. LEXIS 19223 (E.D. Pa. Jan. 16, 2000). However, 18 U.S.C. § 16(b) was found unconstitutional. Sessions v. Dimaya, 138 S. Ct. 1204 (2018). Argue that the least culpable conduct is to start a fire or cause an explosion on one's own property, which is not a crime of violence. See Tran v. Gonzales, 414 F.3d 464 (3d Cir. 2005). Additionally, argue that starting a fire or causing an explosion is not the use of force. Id. Further, in order to be considered an Crime of Violence AF, the offense must be conducted with the specific intent to bring about force. Leocal v. Ashcroft, 543 U.S. 1 (2004). A crime that involves recklessness might not qualify under this definition. See id.; Tran v. Gonzales, 414 F.3d 464 (3d Cir. 2005). Negotiate for a sentence under one year. In Matter of Robert Bautista, the BIA held arson was an aggravated felony. But the Third Circuit vacated the decision because the federal statute had a jurisdictional requirement the state statute did not. Bautista v. Att'y Gen., 744 F.3d 54 (3d Cir. 2014). But the Supreme Court held that the lack of a jurisdictional element does not disqualify a state conviction from being an aggravated felony. Torres v. Lynch, 136 S. Ct. 1619 (2016) (holding that a NY arson statute was an aggravated felony under 8 U.S.C. § 1101(43)(E)(i)). Argue that the enumerated sections of 18 U.S.C. § 844 are not categorical matches to the NJ statute.
Arson and Related	**2C:17-1(b)(1)**	**MIGHT** (prior ed.:	**PROBABLY**		AF: Recklessness can be sufficient if court determines the reckless conduct also

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Offenses		probably no (reckless is the mens rea, so no crime of violence))			involved intentional use of force; but can argue that recklessness is not sufficient mens rea Pretelt v. Att'y Gen., 370 F. App'x 338 (3d Cir. 2010) - 2C:17-1(b)(1) is a CIMT as the crime implicated "accepted rules of morality and the duties owed to society" and "moral turpitude to inhere in serious crimes committed recklessly, i.e., with a conscious disregard of a substantial and unjustifiable risk that serious injury or death would follow." In In re Gonzalo Palacios-Pinera, the BIA held that arson was a crime of violence under 18 U.S.C. § 16(b). In re Gonzalo, 22 I&N Dec. 434 (BIA 1998); see also Salim v. Reno, CIVIL ACTION NO. 2000-CV-4603, 2000 U.S. Dist. LEXIS 19223 (E.D. Pa. Jan. 16, 2000). However, 18 U.S.C. § 16(b) was found unconstitutional. Sessions v. Dimaya, 138 S. Ct. 1204 (2018). Argue that the least culpable conduct is to start a fire or cause an explosion on one's own property, which is not a crime of violence. See Tran v. Gonzales, 414 F.3d 464 (3d Cir. 2005). Additionally, argue that starting a fire or causing an explosion is not the use of force. Id. Further, in order to be considered an Crime of Violence AF, the offense must be conducted with the specific intent to bring about force. Leocal v. Ashcroft, 543 U.S. 1 (2004). A crime that involves recklessness might not qualify under this definition. See id.; Tran v. Gonzales, 414 F.3d 464 (3d Cir. 2005). Negotiate for a sentence under one year. In Matter of Robert Bautista, the BIA held arson was an aggravated felony. But the Third Circuit vacated the decision because the federal statute had a jurisdictional requirement the state statute did not. Bautista v. Att'y Gen., 744 F.3d 54 (3d Cir. 2014). But the Supreme Court held that the lack of a jurisdictional element does not disqualify a state conviction from being an aggravated felony. Torres v. Lynch, 136 S. Ct. 1619 (2016) (holding that a NY arson statute was an aggravated felony under 8 U.S.C. § 1101(43)(E)(i)). Argue that the enumerated sections of 18 U.S.C. § 844 are not categorical matches to the NJ statute.
Arson and Related Offenses	**2C:17-1(b)(2)**	**MIGHT** (prior ed.: probably no (reckless is the mens rea, so no crime of violence))	**MIGHT**		AF: Recklessness can be sufficient for a crime of violence if court determines the reckless conduct also involved intentional use of force; but can argue that recklessness is not sufficient mens rea Pretelt v. Att'y Gen., 370 F. App'x 338 (3d Cir. 2010) - 2C:17-1(b)(1) is a CIMT; however, this statute does NOT involve danger to people, so could try to argue that, without a "conscious disregard of a substantial and unjustifiable risk that serious injury or death would follow," this is not sufficient to be a CIMT In In re Gonzalo Palacios-Pinera, the BIA held that arson was a crime of violence under 18 U.S.C. § 16(b). In re Gonzalo, 22 I&N Dec. 434 (BIA 1998); see also Salim v. Reno, CIVIL ACTION NO. 2000-CV-4603, 2000 U.S. Dist. LEXIS 19223 (E.D. Pa. Jan. 16, 2000). However, 18 U.S.C. § 16(b) was found unconstitutional. Sessions v. Dimaya, 138 S. Ct. 1204 (2018). Argue that the least culpable conduct is to start a fire or cause an explosion on one's own property, which is not a crime of violence. See Tran v. Gonzales, 414 F.3d 464 (3d Cir. 2005). Additionally, argue that starting a fire or causing an explosion is not the use of force. Id. Further, in order to be considered an Crime of Violence

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
					AF, the offense must be conducted with the specific intent to bring about force. Leocal v. Ashcroft, 543 U.S. 1 (2004). A crime that involves recklessness might not qualify under this definition. See id.; Tran v. Gonzales, 414 F.3d 464 (3d Cir. 2005). Negotiate for a sentence under one year. In Matter of Robert Bautista, the BIA held arson was an aggravated felony. But the Third Circuit vacated the decision because the federal statute had a jurisdictional requirement the state statute did not. Bautista v. Att'y Gen., 744 F.3d 54 (3d Cir. 2014). But the Supreme Court held that the lack of a jurisdictional element does not disqualify a state conviction from being an aggravated felony. Torres v. Lynch, 136 S. Ct. 1619 (2016) (holding that a NY arson statute was an aggravated felony under 8 U.S.C. § 1101(43)(E)(i)). Argue that the enumerated sections of 18 U.S.C. § 844 are not categorical matches to the NJ statute.
Arson and Related Offenses	**2C:17-1(b)(3)**	**PROBABLY**. If at least 1 year prison sentence imposed and loss to victim exceeds $10,000.00 (fraud)	**MIGHT**		Pretelt v. Att'y Gen., 370 F. App'x 338 (3d Cir. 2010) - 2C:17-1(b)(1) is a CIMT; however, this statute does NOT involve danger to people, so could try to argue that, without a "conscious disregard of a substantial and unjustifiable risk that serious injury or death would follow," this is not sufficient to be a CIMT In In re Gonzalo Palacios-Pinera, the BIA held that arson was a crime of violence under 18 U.S.C. § 16(b). In re Gonzalo, 22 I&N Dec. 434 (BIA 1998); see also Salim v. Reno, CIVIL ACTION NO. 2000-CV-4603, 2000 U.S. Dist. LEXIS 19223 (E.D. Pa. Jan. 16, 2000). However, 18 U.S.C. § 16(b) was found unconstitutional. Sessions v. Dimaya, 138 S. Ct. 1204 (2018). Argue that the least culpable conduct is to start a fire or cause an explosion on one's own property, which is not a crime of violence. See Tran v. Gonzales, 414 F.3d 464 (3d Cir. 2005). Additionally, argue that starting a fire or causing an explosion is not the use of force. Id. Further, in order to be considered an Crime of Violence AF, the offense must be conducted with the specific intent to bring about force. Leocal v. Ashcroft, 543 U.S. 1 (2004). A crime that involves recklessness might not qualify under this definition. See id.; Tran v. Gonzales, 414 F.3d 464 (3d Cir. 2005). Negotiate for a sentence under one year. In Matter of Robert Bautista, the BIA held arson was an aggravated felony. But the Third Circuit vacated the decision because the federal statute had a jurisdictional requirement the state statute did not. Bautista v. Att'y Gen., 744 F.3d 54 (3d Cir. 2014). But the Supreme Court held that the lack of a jurisdictional element does not disqualify a state conviction from being an aggravated felony. Torres v. Lynch, 136 S. Ct. 1619 (2016) (holding that a NY arson statute was an aggravated felony under 8 U.S.C. § 1101(43)(E)(i)). Argue that the enumerated sections of 18 U.S.C. § 844 are not categorical matches to the NJ statute.
Arson and Related Offenses	**2C:17-1(b)(4)**	**PROBABLY**. If at least 1 year prison sentence imposed and loss to victim exceeds $10,000.00 (fraud)	**MIGHT**		Pretelt v. Att'y Gen., 370 F. App'x 338 (3d Cir. 2010) - 2C:17-1(b)(1) is a CIMT; however, this statute does NOT involve danger to people, so could try to argue that, without a "conscious disregard of a substantial and unjustifiable risk that serious injury or death would follow," this is not sufficient to be a CIMT

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
					In In re Gonzalo Palacios-Pinera, the BIA held that arson was a crime of violence under 18 U.S.C. § 16(b). In re Gonzalo, 22 I&N Dec. 434 (BIA 1998); see also Salim v. Reno, CIVIL ACTION NO. 2000-CV-4603, 2000 U.S. Dist. LEXIS 19223 (E.D. Pa. Jan. 16, 2000). However, 18 U.S.C. § 16(b) was found unconstitutional. Sessions v. Dimaya, 138 S. Ct. 1204 (2018). Argue that the least culpable conduct is to start a fire or cause an explosion on one's own property, which is not a crime of violence. See Tran v. Gonzales, 414 F.3d 464 (3d Cir. 2005). Additionally, argue that starting a fire or causing an explosion is not the use of force. Id. Further, in order to be considered an Crime of Violence AF, the offense must be conducted with the specific intent to bring about force. Leocal v. Ashcroft, 543 U.S. 1 (2004). A crime that involves recklessness might not qualify under this definition. See id.; Tran v. Gonzales, 414 F.3d 464 (3d Cir. 2005). Negotiate for a sentence under one year. In Matter of Robert Bautista, the BIA held arson was an aggravated felony. But the Third Circuit vacated the decision because the federal statute had a jurisdictional requirement the state statute did not. Bautista v. Att'y Gen., 744 F.3d 54 (3d Cir. 2014). But the Supreme Court held that the lack of a jurisdictional element does not disqualify a state conviction from being an aggravated felony. Torres v. Lynch, 136 S. Ct. 1619 (2016) (holding that a NY arson statute was an aggravated felony under 8 U.S.C. § 1101(43)(E)(i)). Argue that the enumerated sections of 18 U.S.C. § 844 are not categorical matches to the NJ statute.
Arson and Related Offenses	**2C:17-1(b)(5)**	**MIGHT** (prior ed.: likely no (reckless is the mens rea, so no crime of violence))	**MIGHT**		AF: Recklessness can be sufficient for a crime of violence if court determines the reckless conduct also involved intentional use of force; but can try to argue that recklessness is not sufficient mens rea Pretelt v. Att'y Gen., 370 F. App'x 338 (3d Cir. 2010) - 2C:17-1(b)(1) is a CIMT as the crime implicated "accepted rules of morality and the duties owed to society" and "moral turpitude to inhere in serious crimes committed recklessly, i.e., with a conscious disregard of a substantial and unjustifiable risk that serious injury or death would follow;" this statute is different since does not state aggravating factors that could make recklessness rise to level of CIMT In In re Gonzalo Palacios-Pinera, the BIA held that arson was a crime of violence under 18 U.S.C. § 16(b). In re Gonzalo, 22 I&N Dec. 434 (BIA 1998); see also Salim v. Reno, CIVIL ACTION NO. 2000-CV-4603, 2000 U.S. Dist. LEXIS 19223 (E.D. Pa. Jan. 16, 2000). However, 18 U.S.C. § 16(b) was found unconstitutional. Sessions v. Dimaya, 138 S. Ct. 1204 (2018). Argue that the least culpable conduct is to start a fire or cause an explosion on one's own property, which is not a crime of violence. See Tran v. Gonzales, 414 F.3d 464 (3d Cir. 2005). Additionally, argue that starting a fire or causing an explosion is not the use of force. Id. Further, in order to be considered an Crime of Violence AF, the offense must be conducted with the specific intent to bring about force. Leocal v. Ashcroft, 543 U.S. 1 (2004). A crime that involves recklessness might not qualify under this definition. See id.; Tran v. Gonzales, 414 F.3d 464 (3d Cir. 2005). Negotiate for a sentence under one year. In Matter of Robert Bautista, the BIA held arson was an aggravated felony. But the Third Circuit vacated the decision because the federal statute had a

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
					jurisdictional requirement the state statute did not. Bautista v. AG of the United States, 744 F.3d 54 (3d Cir. 2014). But the Supreme Court held that the lack of a jurisdictional element does not disqualify a state conviction from being an aggravated felony. Torres v. Lynch, 136 S. Ct. 1619 (2016) (holding that a NY arson statute was an aggravated felony under 8 U.S.C. § 1101(43)(E)(i)). Argue that the enumerated sections of 18 U.S.C. § 844 are not categorical matches to the NJ statute.
Arson and Related Offenses	**2C:17-1(c)(1)**	**MIGHT** (prior ed.: likely no)	**MIGHT** (prior ed.: likely no)		In In re Gonzalo Palacios-Pinera, the BIA held that arson was a crime of violence under 18 U.S.C. § 16(b). In re Gonzalo, 22 I&N Dec. 434 (BIA 1998); see also Salim v. Reno, CIVIL ACTION NO. 2000-CV-4603, 2000 U.S. Dist. LEXIS 19223 (E.D. Pa. Jan. 16, 2000). However, 18 U.S.C. § 16(b) was found unconstitutional. Sessions v. Dimaya, 138 S. Ct. 1204 (2018). Argue that starting a fire is not the use of force. See Tran v. Gonzales, 414 F.3d 464 (3d Cir. 2005). Negotiate for a sentence under one year. In Matter of Robert Bautista, the BIA held arson was an aggravated felony. But the Third Circuit vacated the decision because the federal statute had a jurisdictional requirement the state statute did not. Bautista v. AG of the United States, 744 F.3d 54 (3d Cir. 2014). But the Supreme Court held that the lack of a jurisdictional element does not disqualify a state conviction from being an aggravated felony. Torres v. Lynch, 136 S. Ct. 1619 (2016) (holding that a NY arson statute was an aggravated felony under 8 U.S.C. § 1101(43)(E)(i)). Argue that the enumerated sections of 18 U.S.C. § 844 are not categorical matches to the NJ statute. In re Barbara Gibek, 2011 WL 2038467 (BIA) 0 BIA affirms this statute is NOT a CIMT since does not require a conscious disregard for the safety of another
Arson and Related Offenses	**2C:17-1(c)(2)**	**MIGHT** (prior ed.: likely no)	**MIGHT** (prior ed.: likely no)		In In re Gonzalo Palacios-Pinera, the BIA held that arson was a crime of violence under 18 U.S.C. § 16(b). In re Gonzalo, 22 I&N Dec. 434 (BIA 1998); see also Salim v. Reno, CIVIL ACTION NO. 2000-CV-4603, 2000 U.S. Dist. LEXIS 19223 (E.D. Pa. Jan. 16, 2000). However, 18 U.S.C. § 16(b) was found unconstitutional. Sessions v. Dimaya, 138 S. Ct. 1204 (2018). Argue that the least culpable conduct is to start a fire on one's own property, which is not a crime of violence. See Tran v. Gonzales, 414 F.3d 464 (3d Cir. 2005). Additionally, argue that starting a fire is not the use of force. Id. Negotiate for a sentence under one year. In Matter of Robert Bautista, the BIA held arson was an aggravated felony. But the Third Circuit vacated the decision because the federal statute had a jurisdictional requirement the state statute did not. Bautista v. Att'y Gen., 744 F.3d 54 (3d Cir. 2014). But the Supreme Court held that the lack of a jurisdictional element does not disqualify a state conviction from being an aggravated felony. Torres v. Lynch, 136 S. Ct. 1619 (2016) (holding that a NY arson statute was an aggravated felony under 8 U.S.C. § 1101(43)(E)(i)). Argue that the enumerated sections of 18 U.S.C. § 844 are not categorical matches to the NJ statute. In re Barbara Gibek, 2011 WL 2038467 (BIA) 0 BIA affirms this statute is NOT a CIMT since does not require a conscious disregard for the safety of another

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Arson and Related Offenses	**2C:17-1(d)**	**PROBABLY**. If: (1) at least 1 year prison sentence imposed (crime of violence); or (2) crime contained an element of fraud, at least a year prison sentence imposed, and loss to victim exceeds $10,000.00 (fraud)	**PROBABLY**	**PROBABLY**. If: the victim was a current or former spouse or someone similarly situated (crime of domestic violence); if the victim had a protective order against the respondent (violation of protection order); or if the victim was a child (crime against children); or if the crime involved a destructive device as defined in 18 U.S.C. 921(a) (firearm or destructive device)	In In re Gonzalo Palacios-Pinera, the BIA held that arson was a crime of violence under 18 U.S.C. § 16(b). In re Gonzalo, 22 I&N Dec. 434 (BIA 1998); see also Salim v. Reno, CIVIL ACTION NO. 2000-CV-4603, 2000 U.S. Dist. LEXIS 19223 (E.D. Pa. Jan. 16, 2000). However, 18 U.S.C. § 16(b) was found unconstitutional. Sessions v. Dimaya, 138 S. Ct. 1204 (2018). Argue that the least culpable conduct is to start a fire or cause an explosion on one's own property, which is not a crime of violence. See Tran v. Gonzales, 414 F.3d 464 (3d Cir. 2005). Additionally, argue that starting a fire is not the use of force. Id. Negotiate for a sentence under one year. In Matter of Robert Bautista, the BIA held arson was an aggravated felony. But the Third Circuit vacated the decision because the federal statute had a jurisdictional requirement the state statute did not. Bautista v. AG of the United States, 744 F.3d 54 (3d Cir. 2014). But the Supreme Court held that the lack of a jurisdictional element does not disqualify a state conviction from being an aggravated felony. Torres v. Lynch, 136 S. Ct. 1619 (2016) (holding that a NY arson statute was an aggravated felony under 8 U.S.C. § 1101(43)(E)(i)). Argue that the enumerated sections of 18 U.S.C. § 844 are not categorical matches to the NJ statute.
Arson and Related Offenses	**2C:17-1(e)**	Penalty enhancement/stipulation			
Arson and Related Offenses	**2C:17-1(f)**	Definition			
Arson and Related Offenses	**2C:17-1(g)**	Penalty enhancement/stipulation			
Causing or Risking Widespread Injury or Damage	**2C:17-2(a)(1)**	**PROBABLY**. If at least 1 year prison sentence imposed (crime of violence)	**PROBABLY**	**PROBABLY**. If: the victim was a current or former spouse or someone similarly situated (crime of domestic violence); if the victim had a protective order against the respondent (violation of protection order); or if the victim was a child (crime against children); or if the crime involved a destructive device as defined in 18 U.S.C. 921(a) (firearm or destructive device)	AF: yes under crime of violence as meets mens rea AND is use of force; since definition states widespread injury is 5 or more people, does qualify The statute is divisible because it describes two separate sets of conduct. The first sentence involves a mes rea of purposely or knowingly. In In re Gonzalo Palacios-Pinera, the BIA held that arson was a crime of violence under 18 U.S.C. § 16(b). In re Gonzalo, 22 I&N Dec. 434 (BIA 1998); see also Salim v. Reno, CIVIL ACTION NO. 2000-CV-4603, 2000 U.S. Dist. LEXIS 19223 (E.D. Pa. Jan. 16, 2000). However, 18 U.S.C. § 16(b) was found unconstitutional. Sessions v. Dimaya, 138 S. Ct. 1204 (2018). Argue that the least culpable conduct does not involve another person or their property, which is not a crime of violence. See Tran v. Gonzales, 414 F.3d 464 (3d Cir. 2005). Additionally, argue that the conduct is not the use of force. Id. Also, argue that the enumerated sections of 18 U.S.C. § 844 are not categorical matches to the NJ statute. Negotiate for a sentence under one year. The purposely or knowingly mens rea likely makes the conduct a CIMT. In order to be considered an Crime of Violence AF, the offense must be conducted with the specific intent to bring about force. Leocal v. Ashcroft, 543 U.S. 1 (2004). A crime that involves recklessness might not qualify under this definition. See id. Here, the least culpable conduct under the second sentence involves reckless conduct so the conduct may not be an AF. See id. Argue that

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
					the least culpable conduct does not involve another person or their property, which is not a crime of violence. See Tran v. Gonzales, 414 F.3d 464 (3d Cir. 2005). Additionally, argue that the conduct is not the use of force. Id.
Causing or Risking Widespread Injury or Damage	**2C:17-2(a)(2)**	**PROBABLY**. If the record of conviction has a finding of purposely or knowingly and at least 1 year prison sentence imposed (crime of violence). If second degree, yes. If third degree, no (mens rea is recklessness for 3rd degree, so no crime of violence).	**PROBABLY**	**PROBABLY**. If: the victim was a current or former spouse or someone similarly situated (crime of domestic violence); if the victim had a protective order against the respondent (violation of protection order); or if the victim was a child (crime against children); or if the crime involved a destructive device as defined in 18 U.S.C. 921(a) (firearm or destructive device)	The statute is divisible because it describes two separate sets of conduct. The first sentence involves a mes rea of purposely or knowingly. In In re Gonzalo Palacios-Pinera, the BIA held that arson was a crime of violence under 18 U.S.C. § 16(b). In re Gonzalo, 22 I&N Dec. 434 (BIA 1998); see also Salim v. Reno, CIVIL ACTION NO. 2000-CV-4603, 2000 U.S. Dist. LEXIS 19223 (E.D. Pa. Jan. 16, 2000). However, 18 U.S.C. § 16(b) was found unconstitutional. Sessions v. Dimaya, 138 S. Ct. 1204 (2018). Argue that the least culpable conduct does not involve another person or their property, which is not a crime of violence. See Tran v. Gonzales, 414 F.3d 464 (3d Cir. 2005). Additionally, argue that the conduct is not the use of force. Id. Also, argue that the enumerated sections of 18 U.S.C. § 844 are not categorical matches to the NJ statute. Negotiate for a sentence under one year. The purposely or knowingly mens rea likely makes the conduct a CIMT. In order to be considered an Crime of Violence AF, the offense must be conducted with the specific intent to bring about force. Leocal v. Ashcroft, 543 U.S. 1 (2004). A crime that involves recklessness might not qualify under this definition. See id. Here, the least culpable conduct under the second sentence involves reckless conduct so the conduct may not be an AF. See id. Argue that the least culpable conduct does not involve another person or their property, which is not a crime of violence. See Tran v. Gonzales, 414 F.3d 464 (3d Cir. 2005). Additionally, argue that the conduct is not the use of force. Id. CIMT: see Keungne v. Att'y Gen., 561 F.3d 1281 (11th Cir. 2009) where found criminal reckless conduct is a CIMT
Causing or Risking Widespread Injury or Damage	**2C:17-2(b)**	**MIGHT** (prior ed.: likely no (reckless is the mens rea, so no crime of violence))	**PROBABLY**		AF: Recklessness can be sufficient for a crime of violence if court determines the reckless conduct also involved intentional use of force (especially here where widespread injury or damage includes 5 or more people, etc.); but can try to argue that recklessness is not sufficient mens rea In order to be considered an Crime of Violence AF, the offense must be conducted with the specific intent to bring about force. Leocal v. Ashcroft, 543 U.S. 1 (2004). A crime that involves recklessness might not qualify under this definition. See id. Here, the least culpable conduct under the second sentence involves reckless conduct so the conduct may not be an AF. See id. Argue that the least culpable conduct does not involve another person or their property, which is not a crime of violence. See Tran v. Gonzales, 414 F.3d 464 (3d Cir. 2005). Additionally, argue that the conduct is not the use of force. Id. Negotiate for a sentence under one year. In Pretelt v. AG of the United States, 370 F. App'x 338 (3d Cir. 2010), the Third Circuit held that 2C:17-1(b)(1) is a CIMT because the recklessness the statute requires is in regard to risk of injury or death. Here, there is also direct risk of injury or death.
Causing or Risking	**2C:17-2(c)**	**MIGHT** (prior ed.: likely	**PROBABLY**. If 3rd		In Pretelt v. AG of the United States, 370 F. App'x 338 (3d Cir. 2010), the

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Widespread Injury or Damage		no (reckless is the mens rea, so no crime of violence). The latter part of this section is for a second degree qualifier is strict liability, so no crime of violence.)	degree; Maybe if 4th degree		Third Circuit held that 2C:17-1(b)(1) is a CIMT because the recklessness the statute requires is in regard to risk of injury or death. Here, there is also direct risk of injury or death.
Causing or Risking Widespread Injury or Damage	**2C:17-2(d)(1)**	**PROBABLY**. If the record of conviction has a finding of knowingly and at least 1 year prison sentence imposed (crime of violence)	**PROBABLY**		The statute is divisible because it describes two separate sets of conduct. The first part involves a mes rea of knowingly. In In re Gonzalo Palacios-Pinera, the BIA held that arson was a crime of violence under 18 U.S.C. § 16(b). In re Gonzalo, 22 I&N Dec. 434 (BIA 1998); see also Salim v. Reno, CIVIL ACTION NO. 2000-CV-4603, 2000 U.S. Dist. LEXIS 19223 (E.D. Pa. Jan. 16, 2000). However, 18 U.S.C. § 16(b) was found unconstitutional. Sessions v. Dimaya, 138 S. Ct. 1204 (2018). Argue argue that the conduct is not the use of force. Tran v. Gonzales, 414 F.3d 464 (3d Cir. 2005). Also, argue that the enumerated sections of 18 U.S.C. § 844 are not categorical matches to the NJ statute. The purposely or knowingly mens rea likely makes the conduct a CIMT. In order to be considered an Crime of Violence AF, the offense must be conducted with the specific intent to bring about force. Leocal v. Ashcroft, 543 U.S. 1 (2004). A crime that involves recklessness might not qualify under this definition. See id. Here, the least culpable conduct under the second part involves reckless conduct so the conduct may not be an AF. See id. Argue that the least culpable conduct does not involve another person or their property, which is not a crime of violence. See Tran v. Gonzales, 414 F.3d 464 (3d Cir. 2005). Additionally, argue that the conduct is not the use of force. Id. In Pretelt v. AG of the United States, 370 F. App'x 338 (3d Cir. 2010), the Third Circuit held that 2C:17-1(b)(1) is a CIMT because the recklessness the statute requires is in regard to risk of injury or death. Here, there is risk of injury or death.
Causing or Risking Widespread Injury or Damage	**2C:17-2(d)(2)**	**PROBABLY**. If the record of conviction has a finding of knowingly and at least 1 year prison sentence imposed (crime of violence)	**PROBABLY**		The statute is divisible because it describes two separate sets of conduct. The first part involves a mes rea of knowingly. In In re Gonzalo Palacios-Pinera, the BIA held that arson was a crime of violence under 18 U.S.C. § 16(b). In re Gonzalo, 22 I&N Dec. 434 (BIA 1998); see also Salim v. Reno, CIVIL ACTION NO. 2000-CV-4603, 2000 U.S. Dist. LEXIS 19223 (E.D. Pa. Jan. 16, 2000). However, 18 U.S.C. § 16(b) was found unconstitutional. Sessions v. Dimaya, 138 S. Ct. 1204 (2018). Argue argue that the conduct is not the use of force. Tran v. Gonzales, 414 F.3d 464 (3d Cir. 2005). Also, argue that the enumerated sections of 18 U.S.C. § 844 are not categorical matches to the NJ statute. Negotiate for a sentence under one year. The purposely or knowingly mens rea likely makes the conduct a CIMT. In order to be considered an Crime of Violence AF, the offense must be conducted with the specific intent to bring about force. Leocal v. Ashcroft, 543 U.S. 1 (2004). A crime that involves recklessness might not qualify under this definition. See id. Here, the least culpable conduct under the second part involves reckless conduct so the conduct may not be an AF. See id. Argue that the least culpable conduct does not involve another person or their property,

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
					which is not a crime of violence. See Tran v. Gonzales, 414 F.3d 464 (3d Cir. 2005). Additionally, argue that the conduct is not the use of force. Id. Negotiate for a sentence under one year. In Pretelt v. AG of the United States, 370 F. App'x 338 (3d Cir. 2010), the Third Circuit held that 2C:17-1(b)(1) is a CIMT because the recklessness the statute requires is in regard to risk of injury or death. Here, there is risk of injury or death.
Causing or Risking Widespread Injury or Damage	**2C:17-2(e)**	Definition			
Criminal Mischief	**2C:17-3(a)(1)**	**MIGHT** (prior ed.: likely no)	**MIGHT** (prior ed.: likely no)	**MIGHT**	In re Alain Patrana, 2014 WL 7691444 (BIA): Criminal mischief statutes may contain both crimes that do and do not involve moral turpitude. If the such a statute is not divisible, it is overly broad. If it is divisible, we must look to the record of conviction to determine if the actual act was an act involving moral turpitude (consider factors like nature and extent of damage or destruction). "When examining Matter of E.E. Hernandez, 26 I&N Dec. 397, 399 (BIA 2014), Matter of R-, 5 I&N Dec. 612, 616 n.1 (BIA 1954), Matter of M-, 3 I&N Dec. 272, 273 (BIA 1948), and Matter of N-, 8 I&N Dec. 466 (BIA 1959), together, we note that each of the statutes examined in those cases included an element of malice, but not all of the statutes categorically punished morally turpitudinous conduct. Instead, where the statute punished a broad range of conduct and the specific conviction was only supported by proof of limited damage or loss of property, we concluded that the conviction did not involve moral turpitude. See Matter of N-. An important point is that the least culpable mens rea is recklessly or negligently, which would support an argument that a conviction under this subsection is neither an AF nor a CIMT. Rodriguez Herrera vs. I.N.S., 52 F.3d 238 (9th Cir. 1995): Alien filed petition to review decision of BIA that second-degree malicious mischief was crime involving moral turpitude leading to deportation under immigration laws. The Court of Appeals, Canby, Circuit Judge, held that second-degree malicious mischief was a relatively minor offense and did not necessarily involve a base act contrary to moral standards so as to qualify as a crime of moral turpitude for deportability purposes. Petition for review granted; decision of BIA reversed. The statute may be divisible because it describes two sets of conduct. The first set of conduct requires purpose or knowledge. Argue that the conduct is not the use of force under 18 U.S.C. § 16. Tran v. Gonzales, 414 F.3d 464 (3d Cir. 2005). Negotiate for a sentence under one year. The second set of conduct requires recklessness or negligence. In order to be considered an Crime of Violence AF, the offense must be conducted with the specific intent to bring about force. Leocal v. Ashcroft, 543 U.S. 1 (2004). A crime that involves recklessness or negligence would not qualify under this definition. See id. Here, the least culpable conduct under the second part involves negligent conduct so the conduct may not be an AF. See id. Argue that the enumerated sections of 18 U.S.C. § 844 are not categorical matches to the NJ statute. Negotiate for a sentence under one year.

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
					In dicta, the Third Circuit has noted that criminal mischief is "nonturpitudinous." Tejwani v. Att'y Gen., 349 F. App'x 719 (3d Cir. 2009).
Criminal Mischief	**2C:17-3(a)(2)**	**MIGHT** (prior ed.: likely no)	**MIGHT**	**MIGHT** (prior ed.: likely no)	In re Alain Patrana, 2014 WL 7691444 (BIA): Criminal mischief statutes may contain both crimes that do and do not involve moral turpitude. If the such a statute is not divisible, it is overly broad. If it is divisible, we must look to the record of conviction to determine if the actual act was an act involving moral turpitude (consider factors like nature and extent of damage or destruction). "When examining Matter of E.E. Hernandez, 26 I&N Dec. 397, 399 (BIA 2014), Matter of R-, 5 I&N Dec. 612, 616 n.1 (BIA 1954), Matter of M-, 3 I&N Dec. 272, 273 (BIA 1948), and Matter of N-, 8 I&N Dec. 466 (BIA 1959), together, we note that each of the statutes examined in those cases included an element of malice, but not all of the statutes categorically punished morally turpitudinous conduct. Instead, where the statute punished a broad range of conduct and the specific conviction was only supported by proof of limited damage or loss of property, we concluded that the conviction did not involve moral turpitude. See Matter of N-. However, where the malicious destruction of property was coupled with another aggravating statutory element enhancing the inherently base, vile, or depraved nature of the conduct in question, such as the killing or injury of animals, the use of explosives, or furtherance of a street gang's criminal objectives, the conduct did involve moral turpitude." *** NJ statute is divisible*** The least culpable mens rea under this subsection is "recklessly," which would support an argument that a conviction under this statute is not an AF. Rodriguez Herrera vs. I.N.S., 52 F.3d 238 (9th Cir. 1995): Alien filed petition to review decision of BIA that second-degree malicious mischief was crime involving moral turpitude leading to deportation under immigration laws. The Court of Appeals, Canby, Circuit Judge, held that second-degree malicious mischief was a relatively minor offense and did not necessarily involve a base act contrary to moral standards so as to qualify as a crime of moral turpitude for deportability purposes. Petition for review granted; decision of BIA reversed. In Larios v. Att'y Gen., the Third Circuit stated that 2C:17-3(a)(2) does not rise to the level of use of force described in 18 U.S.C. § 16. Larios v. Att'y Gen., 978 F.3d 62 (3d Cir. 2020). Also, the least culpable conduct is reckless because the jury instruction show that the exact mental state does not have to be proven. In order to be considered an Crime of Violence AF, the offense must be conducted with the specific intent to bring about force. Leocal v. Ashcroft, 543 U.S. 1 (2004). A crime that involves recklessness might not qualify under this definition. See id. Here, the least culpable conduct under the second part involves reckless conduct so the conduct may not be an AF. See id. Negotiate for a sentence under one year. In dicta, the Third Circuit has noted that criminal mischief is "nonturpitudinous." Tejwani v. Att'y Gen., 349 F. App'x 719 (3d Cir. 2009).
Criminal Mischief (Grading)	**2C:17-3(b)(1)-(8)**	Grading	Grading	Grading	Grading Statute

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Criminal Mischief	**2C:17-3(c)**	Penalty enhancement/stipulation			
Criminal Mischief	**2C:17-3(d)**	Definition			
Criminal Mischief	**2C:17-3(e)**	Penalty enhancement/stipulation			
Traffic Sign, Signal Damage, Removal, Violation	**2C:17-3.1**	**MIGHT** (prior ed.: likely no)	**MIGHT** (prior ed.: likely no)		No act or use of violence; no malicious intent or vile/depraved act; "In Kwok Sum Wong, the Second Circuit questioned whether a NJ DP is a conviction for immigration purposes and remanded for consideration. Kwok Sum Wong v. Barr, 818 F. App'x 44 (2d Cir. 2020). The least culpable conduct is negligence, which does not usually create a deportable offense.
Motor Vehicles; Removal or Alteration of Identification Number or Mark; Possession; Penalty	**2C:17-6(a)**	**MIGHT** (prior ed.: likely no, if a standalone crime. Probably yes, if the record of conviction establishes this crime is related to or in conjunction with either: a theft and at least 1 year prison sentence was imposed, or fraud and the loss to the victim exceeded $10,000.00.)	**MIGHT** (prior ed.: likely no, if a standalone crime. Probably yes, if the record of conviction establishes this crime is related to or in conjunction with a theft or fraud crime)		Argue that the least culpable conduct is damage one's own property, which is not a crime of violence. See Tran v. Gonzales, 414 F.3d 464 (3d Cir. 2005). Further, in order to be considered an Crime of Violence AF, the offense must be conducted with the specific intent to bring about force. Leocal v. Ashcroft, 543 U.S. 1 (2004). Negotiate for a sentence under one year. Might be an AF of fraud if the loss of the victim was over $10,000. May be AF for forgery or trafficking in vehicle whose identification numbers have been altered. See Vasquez v. AG of the United States, 513 F. App'x 175 (3d Cir. 2013).
Motor Vehicles; Removal or Alteration of Identification Number or Mark; Possession; Penalty	**2C:17-6(b)**	**MIGHT** (prior ed.: likely no, if a standalone crime. Probably yes, if the record of conviction establishes this crime is related to or in conjunction with either: a theft and at least 1 year prison sentence was imposed, or fraud and the loss to the victim exceeded $10,000)	**MIGHT** (prior ed.: likely no, if a standalone crime. Probably yes, if the record of conviction establishes this crime is related to or in conjunction with a theft or fraud crime)		Argue that the least culpable conduct is damage one's own property, which is not a crime of violence. See Tran v. Gonzales, 414 F.3d 464 (3d Cir. 2005). Further, in order to be considered an Crime of Violence AF, the offense must be conducted with the specific intent to bring about force. Leocal v. Ashcroft, 543 U.S. 1 (2004). Negotiate for a sentence under one year. Might be an AF of fraud if the loss of the victim was over $10,000. May be AF for forgery or trafficking in vehicle whose identification numbers have been altered. See Vasquez v. AG of the United States, 513 F. App'x 175 (3d Cir. 2013). The NJ Supreme Court has held 2C:17-6(b) unconstitutional as applied. State v. Pontelandolfo, 227 N.J. Super. 419 (1988).
Motor Vehicles; Removal or Alteration of Identification Number or Mark; Possession; Penalty	**2C:17-6(c)**	Definition			
Nuclear Electric Generating Plant; Damaging or Tampering with	**2C:17-7**	**PROBABLY**. If at least 1 year prison sentence imposed (crime of violence)	**PROBABLY**		Will depend on whether "damages or tampers" involves use of force for crime of violence AF. See Tran v. Gonzales, 414 F.3d 464 (3d Cir. 2005). Argue that it does not. See id. Negotiate for a sentence under one year.

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Equipment with Intent to Release Radiation; Penalty					
Nuclear Electric Generating Plant; Damaging or Tampering with Equipment Which Results in Death; Crime of First Degree	**2C:17-8**	**PROBABLY**. If at least 1 year prison sentence imposed (crime of violence)	**PROBABLY**		Will depend on whether "damages or tampers" involves use of force for crime of violence AF. See Tran v. Gonzales, 414 F.3d 464 (3d Cir. 2005). Argue that it does not. See id. Negotiate for a sentence under one year.
Nuclear Electric Generating Plant; Damaging or Tampering with Equipment Which Results in Death; Crime of Second Degree	**2C:17-9**	**PROBABLY**. If at least 1 year prison sentence imposed (crime of violence)	**PROBABLY**		Will depend on whether "damages or tampers" involves use of force for crime of violence AF. See Tran v. Gonzales, 414 F.3d 464 (3d Cir. 2005). Argue that it does not. See id. Negotiate for a sentence under one year.

2C:18 – Burglary

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Burglary	**2C:18-1**	The section provides definitions of the various types of "structure" or property described in the chapter, which are included in the statute are means (not elements).			
Burglary	**2C:18-2(a)**	The generic federal definition of burglary is an unlawful or unprivileged entry into, or remaining in, a building or other structure, with intent to commit a crime. Taylor v. United States, 495 U.S. 575 (1990).			
Burglary	**2C:18-2(a)(1)**	**MIGHT** (prior ed.: likely no)	**MIGHT**		A 3rd Degree Burglary charge will likely not be deemed a crime a violence. Matter of J-G-D-F, 27 I&N Dec. 82 (BIA 2017) - burglaries that do ot involve dwellings, the statute must also include an element the intent to commit some other underlying crime that involves moral turpitude. In Matter of M-, 2 I&N Dec.721, 723 (BIA 1946) - The merely unlawfully entering premises by, "[f]or example, pushing ajar the unlocked door of an unused structure and putting one's foot across the threshold," would not itself constitute "base, vile, or depraved" conduct. As noted above, it is important to note that conviction under New Jersey's burglary statute does not require that the defendant enter a dwelling or place of residence. Rather, it allows for conviction upon entry into a "structure", which can be "any building, room, ship, vessel, car, vehicle or airplane…" 2C:18-1. Moreover, the New Jersey statute does not require that the unlawfully entered structure be occupied by any person or persons. In fact, the New Jersey legislature has expressly removed such a requirement from the statute. See John M. Cannel, New Jersey Criminal Code Annotated, comment 1 on N.J. Stat. Ann. §2C:18-1 (2009) New Jersey courts have recognized that the phrase "with purpose to commit an offense" contained in §2C:18-2 has been "interpreted broadly" to mean an intent to commit "any offense" or "some unlawful act" which does not even need to be specified during prosecution. State v. Robinson, 289 N.J. Super. 447, 453 and 455 (App. Div. 1996) (emphasis added; and noting, in footnote 1, that "[t]he term offense 'means a crime, a disorderly persons offense or a petty disorderly persons offense'" per 2C:1-14(k)). Accordingly, a person can be convicted of burglary under §2C:18-2 by unlawfully entering a structure simply to commit disorderly conduct.
Burglary	**2C:18-2(a)(2)**	**MIGHT** (prior ed.: likely no)	**MIGHT** (prior ed.: likely no)		
Burglary	**2C:18-2(a)(3)**	**MIGHT** (prior ed.: likely no)	**MIGHT** (prior ed.: likely no)		CIMT: Trespass has been found to be a crime involving moral turpitude where intent to commit a crime of moral turpitude is an element of the crime. Must look at the record of conviction See Matter of Esfandiary, 16 I&N Dec. 659 (BIA 1979) AF: A 3rd degree charge will likely not be deemed a crime of violence.
Home Invasion Burglary	**2C:18-2.1(a)(1)**	**YES**. With a sentence of 1 year or more	**YES**		
Home Invasion Burglary	**2C:18-2.1(a)(2)**	**YES**. With a sentence of 1 year or more	**YES**		

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Residential Burglary	**2C:18-2.1(a)(1)**	**YES**. With a sentence of 1 year or more	**YES**		
Residential Burglary	**2C:18-2.1(a)(2)**	**YES**. With a sentence of 1 year or more	**YES**		
Burglary	**2C:18-2(b)(1)**	Grading			
Burglary	**2C:18-2(b)(2)**	Grading			
Burglary	**2C:18-2(b)**	Grading			
Criminal Trespass	**2C:18-3**	This section discusses various offenses and the charges.			
Criminal Trespass	**2C:18-3(a)**	**MIGHT** (prior ed.: likely no)	**MIGHT**		Likely not because NJ statute does not require to sustain a conviction that it involves a substantial risk that physical force may be used. Zivkovic v. Holder, 724 F.3d 894, 906 (C.A. 2013). In Matter of S-, 6 I&N Dec. 769 Dec 769 (BIA 1955), this type of offense qualifies as a CIMT only if the particular crime that the alien intended to commit involves moral turpitude. It would likely also have to have been committed in a dwelling and not in another type of structure.
Criminal Trespass	**2C:18-3(b)**	**MIGHT** (prior ed.: likely no)	**MIGHT** (prior ed.: likely no)		Defiant trespass was designed to deal with a lower level offense for trespass upon open land, rather than structure, despite notice of prohibiting entry. State v. Braxton, 330 N.J. Super. 561, 750 A.2d 185 (A.D. 2000). Petty disorderly offense carries only a jail sentence of up to six months in jail - could fall under Petty Offense Exception if deemed a CIMT
Criminal Trespass	**2C:18-3(b)(1)**	**MIGHT** (prior ed.: likely no)	**MIGHT** (prior ed.: likely no)		
Criminal Trespass	**2C:18-3(b)(2)**	**MIGHT** (prior ed.: likely no)	**MIGHT** (prior ed.: likely no)		
Criminal Trespass	**2C:18-3(b)(3)**	**MIGHT** (prior ed.: likely no)	**MIGHT** (prior ed.: likely no)		
Criminal Trespass	**2C:18-3(c)**	**MIGHT** (prior ed.: likely no)	**MIGHT** (prior ed.: likely no no)		
Criminal Trespass	**2C:18-3(d)(1)**	Defenses			
Criminal Trespass	**2C:18-3(d)(2)**	Defenses			
Criminal Trespass	**2C:18-3(d)(3)**	Defenses			
Trespass	**2C:18-4**	Definition			
Offense to	**2C:18-5(a)**	**MIGHT** (prior ed.: likely	**MIGHT** (prior ed.: likely		While statute does not expressly require intent to deprive owner of the property taken, it may be deemed aggravated felony if record of conviction reflects that

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Trespass		no)	no)		they intended to deprive owner or property or there was a crime of violence. The unauthorized use of a vehicle is not a crime involving moral turpitude because the statute at issue does not define a crime in which moral turpitude necessarily inheres.
Offense to Trespass	**2C:18-5(b)**	**MIGHT** (prior ed.: likely no)	**MIGHT** (prior ed.: likely No Probably not OR No)		Malicious intent is not required. Therefore not CIMT In re Hernandez, 26 I&N Dec. 397 (BIA 2014). Destruction of Property does not by its nature involve a substantial risk of resulting in bodily injury or death. 2009 Immig. Rptr. LEXIS 19708. Can be deemed crime of violence based on the record of conviction - type of property, whether there is a mens rea use of violent force. See 2010 Immig. Rptr. LEXIS 2963. The BIA has held that the malicious destruction of property is not a crime involving moral turpitude when the statute under which the alien was convicted does not require base or depraved conduct. See Matter of M, 2 I&N Dec. 686 (BIA 1946)(unlawful destruction of railway telegraph equipment found not to involve moral turpitude); Matter of C-, 2 I&N Dec. 716 (BIA 1947)(no moral turpitude in damaging a glass door of private property); Matter of B, 2 I&N Dec. 867 (BIA 1947)(willfully damaging mailboxes and other private property found not to involve moral turpitude). However, when the conviction involves malicious and wanton injury to property, the BIA has found that the crime constitutes moral turpitude. Mater of M, 3 I&N Dec. 272, 273-74 (BIA 1948)
Offenses; Penalties; Restitution; Liability for Expenses	**2C:18-6**	Grading			

2C:20 – Theft

Chapter note: Theft AFs require a sentence of 1 year or more; fraud AFs require loss to the victim exceeding $10,000. A theft offense is a CIMT where it requires intent to deprive permanently or under circumstances where the owner's property rights are substantially eroded. *Matter of Diaz-Lizarraga*, 26 I&N Dec. 847 (BIA 2016). Receiving stolen property (2C:20-7(a)) is a categorical theft AF. *Lewin v. Att'y Gen.*, 885 F.3d 165 (3d Cir. 2018). A disorderly persons theft is a conviction. *Avila v. Att'y Gen.*, 82 F.4th 250 (3d Cir. 2023); *Wong v. Blanche*, No. 22-6185 (2d Cir. Aug. 19, 2026). Two disorderly persons thefts are two CIMTs for deportability, and two misdemeanors for TPS.

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Theft	**AF: For a theft offense to be considered an aggravated felony, at least a year prison sentence has to be imposed, so always fight for a 364 or less. Please note that a temporary taking has been found to qualify as an aggravated felony under the broad definition of a "theft" in the INA aggravated felony statute (see the below statutes with specific case cites for examples).** **Under Francis v. Att'y Gen., a property owner's knowledge of the theft does not amount to consent to the taking. Francis v. Att'y Gen., 822 F. App'x 57 (3d Cir. 2020).**				
	CIMT: Historically, the BIA has ruled that theft offenses will involve moral turpitude only if the statute describes a permanent taking or intent to permanently deprive. However, in 2016, the BIA expanded its ruling on theft statutes as crimes involving moral turpitude to include temporary takings as well, so long as the temporary taking created an appropriation such that a major portion of its economic value, usefulness, or enjoyment was lost. Matter of Diaz-Lizarraga, (BIA 2016); Matter of Obeya, (BIA 2016). NJ defines theft as the unlawful taking or control over another's property with the purpose to "deprive" him thereof. 2C:20-3. NJ's definition of "deprive" is: "(1) to withhold or cause to be withheld property of another permanently or for so extended a period as to appropriate a substantial portion of its economic value, or with purpose to restore only upon payment of reward or other compensation; or (2) to dispose or cause disposal of the property so as to make it unlikely that the owner will recover it." 2C:20-1(a). A conviction under a NJ theft statutes that reads "deprive" will be considered a crime involving moral turpitude, even if a permanent taking did not occur. The goal is to argue that the taking did not appropriate a substantial portion of its economic value, usefulness, or enjoyment; and therefore cannot be a deprivation under the NJ definition. **In De Leon-Reynoso v. Ashcroft, the Third Circuit held that knowingly possessing stolen property and reasonably believing one possesses stolen property are equivalent and that both constitute a crime involving moral turpitude. De Leon-Reynoso v. Ashcroft, 293 F.3d 633 (3d. Cir. 2002).**				
Theft	**2C:20-1**	Definitions			
Theft	**2C:20-1.1**	Offense involving access device; presumption of unlawful purpose			
Theft	**2C:20-2(a)**	Consolidation of theft and computer criminal activity offenses			
Theft	**2C:20-2(b)(1)(a)**	**PROBABLY**. If at least 1 year prison sentence is imposed (theft). Likely yes for fraud too, if the record of conviction can establish fraud. Maybe for trafficking, if the theft involved the theft of firearms, destructive devices, certain CDSs, or motor vehicles.	**PROBABLY**	**YES**: FO or CSO, if theft involved FO or CSO	
Theft	**2C:20-2(b)(1)(b)**	**PROBABLY**. If at least 1 year prison sentence is imposed (theft). Maybe for trafficking, if the theft	**PROBABLY**	**YES**: FO or CSO, if theft involved FO or CSO	

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
		involved the theft of firearms, destructive devices, certain CDSs, or motor vehicles.			
Theft	**2C:20-2(b)(1)(c)**	**PROBABLY**. If at least 1 year prison sentence is imposed (theft). Likely yes, if certain CDS (drug trafficking). Likely yes for fraud too, if the loss to the victim exceeds $10,000.00 and the record of conviction can establish fraud.	**PROBABLY**	**YES**: CSO	
Theft	**2C:20-2(b)(1)(d)**	**PROBABLY**. If at least 1 year prison sentence is imposed (theft). Likely yes for fraud too, if the record of conviction can establish fraud.	**PROBABLY**		
Theft	**2C:20-2(b)(1)(e)**	**PROBABLY**. If at least 1 year prison sentence is imposed (theft). Likely yes for fraud too, if the loss to the victim exceeds $10,000.00 and the record of conviction can establish fraud.	**PROBABLY**		May also be charged under 2C:22-1. See Chapter 22.
Theft	**2C:20-2(b)(1)(f)**	**PROBABLY**. If at least 1 year prison sentence is imposed (theft). Likely yes for fraud too, if the record of conviction can establish fraud.	**PROBABLY**		
Theft	**2C:20-2(b)(2)(a)**	**PROBABLY**. If at least 1 year prison sentence is imposed (theft). Likely yes for fraud too, if the loss to the victim exceeds $10,000.00 and the record of conviction can establish fraud. Maybe for trafficking, if the theft involved the theft of	**PROBABLY**	**YES**: FO or CSO, if theft involved FO or CSO	

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
		firearms, destructive devices, certain CDSs, or motor vehicles.			
Theft	**2C:20-2(b)(2)(b)**	**PROBABLY**. If at least 1 year prison sentence is imposed (theft). Maybe for firearm offense, firearm trafficking, or motor vehicle trafficking. Likely yes for fraud too, if the loss to the victim exceeds $10,000.00 and the record of conviction can establish fraud.	**PROBABLY**	**YES**: FO, potential vehicle offense if vehicle has been trafficked, sentence over one year, and vehicle identification has been altered	
Theft	**2C:20-2(b)(2)(c)**	**PROBABLY**. If at least 1 year prison sentence is imposed (theft). Probably yes, if certain CDS (drug trafficking). Likely yes for fraud too, if the loss to the victim exceeds $10,000.00 and the record of conviction can establish fraud.	**PROBABLY**	**YES**: CSO	
Theft	**2C:20-2(b)(2)(d)**	**PROBABLY**. If at least 1 year prison sentence is imposed (theft). Likely yes for fraud too, if the loss to the victim exceeds $10,000.00 and the record of conviction can establish fraud. Maybe for trafficking, if the theft involved the theft of firearms, destructive devices, certain CDSs, or motor vehicles.	**PROBABLY**	**YES**: FO or CSO, if theft involved FO or CSO	AF: 4th Cir. held that this statute (NJ 2C:20-2(b)(2)(d)) is a crime of violence in United States v. Manning, 564 F. App'x 723 (4th Cir. 2014) Under Francis v. Att'y Gen., a property owner's knowledge of the theft does not amount to consent to the taking. Francis v. Att'y Gen., 822 F. App'x 57 (3d Cir. 2020).
Theft	**2C:20-2(b)(2)(e)**	**PROBABLY**. If at least 1 year prison sentence is imposed (theft). Likely yes for fraud too, if the loss to the victim exceeds $10,000.00 and the record of conviction can establish fraud.	**PROBABLY**		

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Theft	**2C:20-2(b)(2)(f)**	**PROBABLY**. If at least 1 year prison sentence is imposed (theft). Maybe for trafficking, if the theft involved the theft of firearms, destructive devices, certain CDSs, or motor vehicles.	**PROBABLY**	**YES**: FO or CSO, if theft involved FO or CSO	
Theft	**2C:20-2(b)(2)(g)**	**PROBABLY**. If at least 1 year prison sentence is imposed (theft). Likely yes for fraud too, if the loss to the victim exceeds $10,000.00 and the record of conviction can establish fraud.	**PROBABLY**	**MIGHT**. An offense relating to obstruction of justice.	Re: Obstruction Ground: Under Denis v. Att'y Gen., the Third Circuit determines whether a state statute is a match to the federal obstruction of justice statutes by looking for a "logical or causal connection" between the statutes. 633 F.3d 201 (3d Cir. 2011). Here, the relevant federal statute is 18 U.S.C. §1512(c)(1), which requires that the act be connected to a proceeding. Here, the act does not need to be connected to a proceeding. Therefore, there might not be a logical connection between the statutes under Flores v. Att'y Gen., 856 F.3d 280 (3d Cir. 2017).
Theft	**2C:20-2(b)(2)(h)**	**PROBABLY**. If at least 1 year prison sentence is imposed (theft). Likely yes for fraud too, if the loss to the victim exceeds $10,000.00 and the record of conviction can establish fraud.	**PROBABLY**		
Theft	**2C:20-2(b)(2)(i)**	**PROBABLY**. If at least 1 year prison sentence is imposed (theft). Likely yes for fraud too, if the loss to the victim exceeds $10,000.00 and the record of conviction can establish fraud.	**PROBABLY**		
Theft	**2C:20-2(b)(2)(j)**	**PROBABLY**. If at least 1 year prison sentence is imposed (theft). Maybe, if certain CDS (drug trafficking). Likely yes for fraud too, if the loss to the victim exceeds $10,000.00 and the record of conviction can establish fraud.	**PROBABLY**	**YES**: CSO	
Theft	**2C:20-2(b)(2)(k)**	**PROBABLY**. If at least 1 year prison sentence is	**PROBABLY**		

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
		imposed (theft). Likely yes for fraud too, if the loss to the victim exceeds $10,000.00 and the record of conviction can establish fraud.			
Theft	**2C:20-2(b)(2)(l)**	**PROBABLY**. If at least 1 year prison sentence is imposed (theft). Likely yes, if certain CDS (drug trafficking). Likely yes for fraud too, if the loss to the victim exceeds $10,000.00 and the record of conviction can establish fraud.	**PROBABLY**	**YES**: CSO	
Theft	**2C:20-2(b)(3)**	**PROBABLY**. If at least 1 year prison sentence is imposed.	**PROBABLY**		
Theft	**2C:20-2(b)(4)(a)**	**PROBABLY NOT**. Because this is a DP (6 months max).	**PROBABLY**		For the immigration attorney addressing an admissibility issue, this crime can qualify as a Petty Offense Exception. In Kwok Sum Wong, the court questioned whether a NJ DP is a conviction for immigration purposes and remanded for consideration. Kwok Sum Wong v. Barr, 818 F. App'x 44 (2d Cir. 2020).
Theft	**2C:20-2(b)(4)(b)**	**PROBABLY NOT**. Because this is a DP (6 months max).	**PROBABLY**		For the immigration attorney addressing an admissibility issue, this crime can qualify as a Petty Offense Exception. In Kwok Sum Wong, the court questioned whether a NJ DP is a conviction for immigration purposes and remanded for consideration. Kwok Sum Wong v. Barr, 818 F. App'x 44 (2d Cir. 2020).
Theft	**2C:20-2(c)**	Consolidation of theft and computer criminal activity offenses- defenses			
Theft	**2C:20-2(d)**	Consolidation of theft and computer criminal activity offenses- theft from a spouse, no defense			
Theft	**2C:20-2.1**	Additional penalties for theft or unlawful taking of motor vehicle			
Theft	**2C:20-2.2**	Additional fine for auto theft			
Theft	**2C:20-2.3**	**PROBABLY**. If at least 1 year prison sentence is imposed (theft).	**PROBABLY**		May also be charged under 2C:22-1 (see Chapter 22)
Theft	**2C:20-2.4**	**PROBABLY**. If at least 1 year prison sentence is imposed (theft). Maybe for	**PROBABLY**. If the underlying offense is considered to involved	**YES**: FO or CSO, if theft involved FO or CSO	

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
		trafficking, if the theft involved the theft of firearms, destructive devices, certain CDSs, or motor vehicles.	fraud		
Theft	**2C:20-2.5**	Additional disposition for certain offenses; degree of crime, penalties			
Theft	**2C:20-2.6**	**PROBABLY**. If at least 1 year prison sentence is imposed (theft). Maybe for trafficking, if the theft involved the theft of firearms, destructive devices, certain CDSs, or motor vehicles.	**MIGHT**. Because the offense must be committed knowingly which likely satisfies the evil intent requirement and the conduct is likely inherently base.	**YES**: FO or CSO, if theft involved FO or CSO	
Theft	**2C:20-3(a)**	**PROBABLY**. If at least 1 year prison sentence is imposed (theft). Maybe for trafficking, if the theft involved the theft of firearms, destructive devices, certain CDSs, or motor vehicles.	**PROBABLY**	**YES**: FO or CSO, if theft involved FO or CSO	In Francis v. Att'y Gen., 822 F. App'x 57 (3d Cir. 2020), the court held that the defendant had not carried his burden in proving that 2C:20-3 fell outside the definition of theft.
Theft	**2C:20-3(b)**	**PROBABLY**. If at least 1 year prison sentence is imposed (theft).	**PROBABLY**		
Theft	**2C:20-4**	**PROBABLY** if a sentence of 1 year or more is imposed (theft, INA § 101(a)(43)(G)); also an AF regardless of sentence if the loss to the victim exceeds $10,000 (fraud or deceit, § 101(a)(43)(M)(i)) — loss is proved under the circumstance-specific approach of *Nijhawan v. Holder*, 557 U.S. 29 (2009).	**YES**. Deception is an element.	**YES**: FO or CSO, if theft involved FO or CSO	**UPDATE (2026):** A guilty plea to a disorderly persons offense is a "conviction" for immigration purposes. *Avila v. Att'y Gen.*, 82 F.4th 250 (3d Cir. 2023) (adopting the BIA's view, *Matter of Wong*, 28 I&N Dec. 518 (BIA 2022)); *Wong v. Blanche*, No. 22-6185 (2d Cir. Aug. 19, 2026) (same result on independent, post-*Loper Bright* reading of 8 U.S.C. § 1101(a)(48)(A)). Do not advise a client that a municipal-court disposition is "not a crime" for immigration purposes. Both cases involved this very statute, graded as a disorderly persons offense. Al-Sharif vs. USCIS, 734 F.3d 2017 (3d Cir. 2013). Saillant v. Att'y Gen., 806 F. App'x 161 (3d. Cir. 2020); Sheriff v. Att'y Gen., 788 F. App'x 879 (3d Cir. 2019) (both finding a PA statute criminalizing theft by deception was a CIMT). See Ddungu v. Holder, 566 F. App'x 759 (10th Cir. 2014) that found NJ 2C:20-4 is a CIMT
Theft	**2C:20-5**	**PROBABLY**. If at least 1 year prison sentence is imposed (theft). Maybe for trafficking, if the theft	**PROBABLY**	**YES**: FO or CSO, if theft involved FO or CSO	

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
		involved the theft of firearms, destructive devices, certain CDSs, or motor vehicles. Likely yes for fraud too, if the loss to the victim exceeds $10,000.00 and the record of conviction can establish fraud.			
Theft	**2C:20-6**	**PROBABLY**. If at least 1 year prison sentence is imposed (theft). Maybe for trafficking, if the theft involved the theft of firearms, destructive devices, certain CDSs, or motor vehicles.	**PROBABLY**	**YES**: FO or CSO, if theft involved FO or CSO	Matter of Onesta Reyes, 28 I&N Dec. 52 (BIA AG 2020) (holding that a NY statute criminalizing larceny by acquiring lost property constitutes an AF of fraud still meets the generic definition of theft).
Theft	**2C:20-7**	**YES** if a sentence of 1 year or more is imposed (theft/receipt of stolen property, INA § 101(a)(43)(G)).	**PROBABLY**	**YES**: FO or CSO, if theft involved FO or CSO	**UPDATE (2026):** *Lewin v. Att'y Gen.*, 885 F.3d 165 (3d Cir. 2018), held third-degree receiving stolen property under 2C:20-7(a) a categorical match for the theft aggravated felony; the "knowing or believing" mens rea suffices. The conviction barred cancellation of removal. AF: see Lewin v. Att'y Gen.,885 F.3d 165 (3d Cir. 2018); 18 U.S.C. 2315 (receipt of stolen goods) contains a knowledge mens rea. The BIA expanded the requisite mens rea to include "belief" for such a crime to qualify as an aggravated felony. In order for receipt of stolen property to qualify as an aggravated felony, the actor had to have knowledge or believe the material was stolen. Matter of Deang (BIA 2017). NJ's statute covers the knowledge mens rea, but it also includes the lesser culpable mens rea of "believing that it is probably stolen". "Probable belief" is a lesser mens rea than "belief", and there is an argument to make that the NJ statute is overly broad. Specficially, the court found that "Lewin cites no New Jersey case law to substantiate his concern that New Jersey courts interpret "belief" under any lesser standard," so a similar argument would need sufficient proof. CIMT: see De Leon-Reynoso v. Ashcroft, 293 F.3d 633 (3d Cir. 2002) (PA statute for receiving stolen property, 18 PaCSA 3925, with the same mens rea language as the NJ statute was considered a CIMT).; see Alcaide-Zelaya v. INS, 231 F. App'x 24, 2007 WL 1290230 (May 3, 2007) for finding that a conviction under 2C:20-7 is a CIMT; see unpublished St. Pierre v. Att'y Gen., 779 F. App'x 1000 (3d Cir. July 23, 2019) where court agreed 2C:20-7 is a CIMT
Theft	**2C:20-7.1(a)**	**MIGHT**. If the term of imprisonment is longer than one year	**MIGHT**		This is akin to receiving stolen property, but this crime contains a "should have known" mens rea (in addition to a knowledge mens rea), which is a lesser mens rea than "belief" and "probable belief." See De Leon-Reynoso v. Ashcroft, 293 F.3d 633 (3d. Cir. 2002).

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Theft	**2C:20-7.1(b)(1)**	**PROBABLY**. If the term of imprisonment is longer than one year	**PROBABLY**		Defendant had to have knowledge that the goods were stolen. Dealing stolen goods likely entails possession of stolen property.
Theft	**2C:20-7.1(b)(2)**	**PROBABLY**. If the term of imprisonment is longer than one year	**PROBABLY**		Defendant had to have knowledge that the goods were stolen. Dealing stolen goods likely entails possession of stolen property.
Theft	**2C:20-8(a)**	**PROBABLY**. If at least 1 year prison sentence is imposed (theft). Likely yes for fraud too, if the loss to the victim exceeds $10,000.00.	**PROBABLY**		Theft of services can be obtained through threat instead of fraud, so fraud or deceit is not necessarily an element.
Theft	**2C:20-8(b)**	**YES**. If at least 1 year imprisonment is imposed. See Ilchuk v. Attorney General, 434 F.3d 618 (2006), where the PA statute was identical to this one.	**PROBABLY**		
Theft	**2C:20-8(c)-(h)**	**YES**. If at least 1 year imprisonment is imposed No	**PROBABLY**		These are disorderly persons offenses, so they may not qualify as convictions under the INA.
Theft	**2C:20-8(i)**	Penalties			
Theft	**2C:20-9**	**PROBABLY**. If at least 1 year imprisonment is imposed.	**PROBABLY**		
Theft	**2C:20-10(a)**	**PROBABLY NOT**. Because this is a DP (6 months max).	**MIGHT** (prior ed.: probably not, because this is a temporary taking, and so) long as there is no finding of a substantial loss to its economic value, usefulness, or enjoyment.		For the immigration attorney addressing an admissibility issue, if the court finds this is a CIMT, this crime can qualify as a Petty Offense Exception. A theft offense is a crime involving moral turpitude if it involves a taking or exercise of control over another's property without consent and with an intent to deprive the owner of his property either permanently or under circumstances where the owner's property rights are substantially eroded. Matter of Diaz-Lizarraga, 26 I&N Dec. 847, 847 (BIA 2016). NJ has no requirement for rights being eroded.
Theft	**2C:20-10(b)**	**PROBABLY**	**MIGHT** (prior ed.: probably not, because this is a temporary taking, and so) long as there is no finding of a substantial loss to its		It is only an aggravated felony of the term of imprisonment is at least 1 year, so a sentence of less than a year will not result in a conviction for an aggravated felony; see Gonzales v. Duenas-Alvarez, 549 U.S. 183 (2007) (CA statute similar to this one). The Court specifically declined to find whether joyriding falls within the scope of generic theft under the INA aggravated felony statute, and ruled that aiding and abetting (regardless of whether it was intended to be a

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
			economic value, usefulness, or enjoyment.		permanent or temporary taking) qualified as a theft offense under the INA aggravated felony statute. This ruling was subsequently applied to a joyriding case where the defendant received a 1 year suspended sentence, and the 10th Cir. found that this fell within the broad definition of theft under the INA aggravated felony statute. United States v. Elizalde-Altamirano (10th Cir. 2007). However, in 2013, the 11th Cir. ruled in a shoplifting case that a temporary appropriation does not qualify as a theft offense under the INA aggravated felony statute. Ramos v. Att'y Gen., 709 F.3d 1066 (11th Cir. 2013).
Theft	**2C:20-10(c)**	**PROBABLY**. (see 10(b))	**MIGHT** (prior ed.: probably not, because this is a temporary taking, and so long as there is no finding of a substantial loss to its economic value, usefulness, or enjoyment.)		Please note this statute involves the aspect of creating a risk of injury to any person or a risk of damage to property. This statute does not set forth a mens rea with regard to this aspect, so it can be interpreted as strict liability for such risk. For this to qualify as a CIMT, there would have to be a finding of bodily harm caused or threatened by an intentional or reckless act. This statute appears to punish negligent actions as well.
Theft	**2C:20-10(d)**	**PROBABLY**. (see 10(b))	**MIGHT** (prior ed.: likely not, as there is no element requiring a permanent taking.)		
Shoplifting	**2C:20-11(a)**	Definitions			
Shoplifting	**2C:20-11(b)**	Acts			
Shoplifting	**2C:20-11(c)(1-3)**	**PROBABLY**. If at least 1 year prison sentence is imposed (theft).	**PROBABLY**		See Matter of Jurado - BIA held retail theft involves moral turpitude (25 I&N Dec. 29 (BIA 2006). A theft offense is a crime involving moral turpitude if it involves a taking or exercise of control over another's property without consent and with an intent to deprive the owner of his property either permanently or under circumstances where the owner's property rights are substantially eroded. Matter of Diaz-Lizarraga, 26 I&N Dec. 847, 847 (BIA 2016). NJ has no requirement for rights being eroded.
Shoplifting	**2C:20-11(c)(4)**	**PROBABLY NOT**. Because this is a DP (6 months max).	**YES**. Shoplifting is a theft offense involving intent to deprive.		**UPDATE (2026): Conviction status:** a guilty plea to a disorderly persons offense is a "conviction" for immigration purposes. *Avila v. Att'y Gen.*, 82 F.4th 250 (3d Cir. 2023) (adopting the BIA's view, *Matter of Wong*, 28 I&N Dec. 518 (BIA 2022)); *Wong v. Blanche*, No. 22-6185 (2d Cir. Aug. 19, 2026) (same result on independent, post-*Loper Bright* reading of 8 U.S.C. § 1101(a)(48)(A)). Do not advise a client that a municipal-court disposition is "not a crime" for immigration purposes. **Tips:** Practitioners commonly seek an alternate plea to disorderly conduct, 2C:33-2(a)(1), with a neutral factual basis (e.g., creating a public disturbance) that contains no theft facts. Keep restitution and any stay-away condition out of the judgment if possible. See Matter of Jurado - BIA held retail theft involves moral turpitude (25 I&N Dec. 29 (BIA 2006). When advising defense attorneys suggest pleas to

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
					municipal ordinances or criminal trespass as DP in lieu of shoplifting. For the immigration attorney addressing an admissibility issue, if the court finds this is a CIMT, this crime can qualify as a Petty Offense Exception; see Castillo v. Att'y Gen., 729 F.3d 296 (3d Cir. 2013) for 3d Cir.'s analysis of whether the NJ shoplifting statute affords criminal protections to constitute a "conviction" for immigration purposes
Shoplifting	**2C:20-11(d)**	Presumptions			
Shoplifting	**2C:20-11(e)**	Probable cause to death			
Shoplifting	**2C:20-11(f)**	**PROBABLY NOT**. Because this is a DP (6 months max).	**MIGHT**. If the record of conviction establishes an intent to steal.		**UPDATE (2026): Conviction status:** a guilty plea to a disorderly persons offense is a "conviction" for immigration purposes. *Avila v. Att'y Gen.*, 82 F.4th 250 (3d Cir. 2023) (adopting the BIA's view, *Matter of Wong*, 28 I&N Dec. 518 (BIA 2022)); *Wong v. Blanche*, No. 22-6185 (2d Cir. Aug. 19, 2026) (same result on independent, post-*Loper Bright* reading of 8 U.S.C. § 1101(a)(48)(A)). Do not advise a client that a municipal-court disposition is "not a crime" for immigration purposes. This is akin to possession of burglary tools. This statute also appears to punish both conduct that might be considered a CIMT and conduct that might not be considered a CIMT. The statute is likely not divisible, so it can be argued that the minimum conduct (possession) is not a CIMT so the statute is not; Simple possession of the device probably would not be considered a CIMT, but the use of the device probably would be considered a CIMT.
Shoplifting	**2C:20-11.1**	Guidelines for prosecution of shoplifting offenses			
Shoplifting	**2C:20-11.2**	**PROBABLY**. If at least 1 year prison sentence is imposed (theft).	**PROBABLY**		
Theft	**2C:20-12**	Definitions			
Theft	**2C:20-13**	**PROBABLY**. If at least 1 year prison sentence is imposed (theft).	**PROBABLY**		
Theft	**2C:20-14**	Detention on probable cause			
Theft	**2C:20-15**	Sign required			
Theft	**2C:20-16**	**PROBABLY**. If at least 1 year prison sentence is imposed (theft). Maybe for trafficking too, under the possession of stolen property section.	**PROBABLY**, because it is a theft-related offense		

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Theft	**2C:20-17**	**PROBABLY**. If at least 1 year prison sentence is imposed (theft). Maybe for trafficking too.	**PROBABLY**	**YES**: CAC	
Theft	**2C:20-18**	**PROBABLY**. If at least 1 year prison sentence is imposed (theft). Maybe for trafficking too. It is also a conspiracy to commit theft, which is included in the list of aggravated felonies.	**PROBABLY**		
Theft	**2C:20-20**	Civil Actions			
Theft	**2C:20-21**	Injunctive relief by state, other persons			
Theft	**2C:20-22**	Estoppel			
Theft	**2C:20-23**	Definitions			
Theft	**2C:20-24**	Value of property or services; additional measures			
Theft	**2C:20-25**	**MIGHT**. Under subsections (a) and (e) probably not. Under (b) and (f), only if the term of imprisonment is at least 1 year. Under (c), only if the loss to the defrauded victim exceeds $10,000.	**MIGHT**. Simply accessing information is probably not a CIMT, but appropriating, destroying, or altering it might because those acts involve exercising control over the property of another.		This statute encompasses both conduct that would be considered a CIMT and conduct that would not be considered a CIMT. Additionally, based on the model jury instructions, this statute appears to be divisible, so the record of conviction would be fair game in Immigration Court, so be careful to avoid a plea colloquy that makes admissions to a CIMT. Pleading under subsection (a), (b), or (f) likely would not be a CIMT. Pleading under subsection (c) likely would be a CIMT. Pleading under subsection (e) might be a CIMT, but only if there is an intent to steal or defraud (simple use or copying without an intent to steal or defraud likely would not be a CIMT).
Theft	**2C:20-31**	**MIGHT** (prior ed.: likely no. The owner of the data does not lose possession of it under this statute.)	**MIGHT**		CIMT: Knowingly disclosing protected information could possibly qualify as a CIMT under the "inherently base, vile, or depraved" definition and qualify as a malum in se.
Theft	**2C:20-31.1**	**PROBABLY**. If the law enforcement officer was an undercover agent (Lii & Liii).	**MIGHT**		CIMT: This encompasses the possibility of bodily harm caused or threatened by an intentional act or serious bodily harm caused or threatened by a reckless act.
Theft	**2C:20-33**	Obtaining, copying, accessing program, software valued at $1,000 or less			
Theft	**2C:20-34**	Situs of offense, determination			
Theft	**2C:20-35**	Definitions			

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Theft	**2C:20-36**	**MIGHT**	**MIGHT**		CIMT: This statute encompasses both conduct that would be considered a CIMT and conduct that would not be considered a CIMT. Additionally, based on the model jury instructions, this statute appears to be divisible, so the record of conviction would be fair game in Immigration Court, so be careful to avoid a plea colloquy that makes admissions to a CIMT; See also Abdelqadar v. Gonzales, 413 F.3d 668 (7th Cir. 2005) where court found knowing unlawful use, possession, or transfer of food stamps is CIMT because fraud is fundamental component of offense; but see unpublished Diem Thi Huynh v. Holder, No. 05-73446, 2009 U.S. App. LEXIS 7269 (9th Cir. Apr. 6, 2009) where was NOT CIMT because statute did not require intent to defraud; here, NJ statute does not require intent to defraud, so can argue is not a CIMT
Theft	**2C:20-37**	**PROBABLY NOT**. Because this is a DP (6 months max) and the loss to victim is $150.00 max.	**MIGHT**. Only if there is a finding of a theft or fraud.		This statute encompasses both conduct that would be considered a CIMT and conduct that would not be considered a CIMT. Additionally, based on the model jury instructions, this statute appears to be divisible, so the record of conviction would be fair game
Theft	**2C:20-38**	Penalty for theft of electronic vehicle identification system transponder			
Theft	**2C:20-39**	**PROBABLY**. If at least 1 year prison sentence is imposed (theft). Likely yes for fraud too, if the loss to the victim exceeds $10,000.00 and the record of conviction can establish fraud.	**PROBABLY**		

2C:21 – Forgery and Fraudulent Practices

Chapter note: Forgery and counterfeiting AFs (§ 101(a)(43)(R)) require a sentence of 1 year or more; fraud AFs (M)(i) require loss exceeding $10,000, which DHS must prove by clear and convincing evidence under the circumstance-specific approach. *Nijhawan v. Holder*, 557 U.S. 29 (2009). Offenses with an intent to defraud are CIMTs. *Jordan v. De George*, 341 U.S. 223 (1951). Stipulate loss of $10,000 or less and keep restitution figures above that amount out of the plea where possible.

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Forgery	**2C:21-1**	NOTE: for AF requiring at least $10,000 in loss, DHS has burden to prove actual loss over that total; also, restitution should not be equated with financial loss; instead, loss to the victim must be tethered to the count of conviction (see Nijhawan v. Holder, 557 U.S. 29 (2009))			In Matter of Eduardo Velasquez-Rios, the BIA held that a CA forgery offense was a crime involving moral turpitude "because it necessarily involved the 'specific intent to defraud another.'" Matter of Eduardo Velasquez-Rios, 27 I&N Dec. 470 (BIA 2018). The Board of Immigration Appeals has issued a decision in Matter of F-R-A-, 28 I&N Dec. 460 (BIA 2022). The amount of forfeiture ordered in a criminal proceeding may be considered in determining whether a crime of fraud or deceit resulted in a loss to a victim or victims exceeding $10,0000 pursuant to section 101(a)(43)(M)(i) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(43)(M)(i) (2018), if the amount set forth in the order is sufficiently tethered and traceable to the conduct of conviction.
Forgery	**2C:21-1(a)**	**MIGHT** (prior ed.: likely No - if it does not include loss to victim(s) greater than $10,000) **PROBABLY**. If it includes loss to victim(s) greater than $10,000 or it includes a term of imprisonment that is at least one year	**PROBABLY**		Defendant's conviction for possession of false document with intent to perpetrate fraud or with knowledge that his possession was facilitating fraud was aggravated felony under 8 USCS § 1101(a)(43) (R)--which included offense's such defendant's relating to forgery--for purposes of enhancement under USSG § 2L1.2(b)(1)(C). United States v. Chavarria-Brito (2008, CA8 Iowa) 526 F3d 1184. 8 U.S.C.S. § 1101 (LexisNexis, Lexis Advance through PL 115-338, approved 12/20/18, with a gap of 115-334)8 USCS § 1101(a)(43)(R) subsumed all elements of offense under R.I. Gen. Laws § 11-17-13(c)(1); accordingly, fact of conviction alone established alien's status as aggravated felon, and thus, alien's petition for review of BIA's declaration that alien was removable as aggravated felon was denied. Magasouba v. Mukasey (2008, CA1) 543 F3d 13. In re Velasquez-Rios, 27 I&N Dec. 470, 472, 2018 BIA LEXIS 35, *7 (BIA 2018) Petty Offense Exception will not apply because both third and fourth degree crimes of Forgery are punishable by a prison sentence of more than one year
Forgery	**2C:21-1(a)(1)**	**PROBABLY**. If it includes a term of imprisonment that is at least one year	**PROBABLY**		For a misrepresentation to be willful, it must be determined that the applicant was fully aware of the nature of the information sought and knowingly, intentionally, and deliberately misrepresented material fact. 2016 Immig. Rptr. LEXIS 8938 Petty Offense Exception will not apply because both third and fourth degree crimes of Forgery are punishable by a prison sentence of more than one year
Forgery	**2C:21-1(a)(2)**	**PROBABLY**. If it includes a term of	**PROBABLY**		Where fraud is clearly an ingredient of a crime, it involves moral turpitude, even if the usual phraseology concerning fraud is not included in the statute.

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
		imprisonment that is at least one year			17 I&N. Dec. 225, 225, 1980 BIA LEXIS 4, *1 (BIA 1980) Petty Offense Exception will not apply because both third and fourth degree crimes of Forgery are punishable by a prison sentence of more than one year
Forgery	**2C:21-1(a)(3)**	**PROBABLY**. If it includes a term of imprisonment that is at least one year	**PROBABLY**		
Forgery		Definition			
Forgery	**2C:21-1(b)**	Grading			
Possession of Forgery Devices	**2C:21-1(c)**	**PROBABLY**. If it includes a term of imprisonment that is at least one year	**PROBABLY**		If there is no indication in the charge or the factual recitation regarding a fraud or fraudulent intent, simply possessing the fake card will not be a CIMT. 2003 Immig. Rptr. LEXIS 3973, *4-3, 26 Immig. Rptr. B1-133 Cf. Matter of Flores, 17 I&N. Dec. 225 (BIA 1980). - just having the forgery device is not a CIMT
Criminal Simulation	**2C:21-2**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000 or a term of imprisonment that is at least one year	**PROBABLY**		Tips for defense lawyers: 1. To avoid "forgery" AF, avoid sentence imposed of one year (get 364 days or less). 2. To decrease "fraud" AF risk, specify in the plea colloquy that the loss amount did not exceed $10,000 (see Fighting Aggravated Felony Charges: Sample Aggravated Felony Case Law Determinations for more detail); and/or specify in plea colloquy that offense was committed with intent to injure (as opposed to with intent to deceive or defraud). See Valansi v. Ashcroft, 278 F.3d 203 (3d Cir. 2002). The Board of Immigration Appeals has issued a decision in Matter of F-R-A-, 28 I&N Dec. 460 (BIA 2022). The amount of forfeiture ordered in a criminal proceeding may be considered in determining whether a crime of fraud or deceit resulted in a loss to a victim or victims exceeding $10,0000 pursuant to section 101(a)(43)(M)(i) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(43)(M)(i) (2018), if the amount set forth in the order is sufficiently tethered and traceable to the conduct of conviction.
Forgery	**2C:21-2.1**	Offenses involving false government documents, degree of crime.			
False License, Birth Certificate	**2C:21-2.1(a)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000 or a term of imprisonment that is at least one year	**PROBABLY**		See, Parris v. Whitaker, No. 17-3482, 2018 U.S. App. LEXIS 35515, at *1 (2d Cir. Dec. 19, 2018), Rodriguez v. Gonzales, 451 F.3d 60 (2d Cir. 2006) - citing Flores - The definition encompasses "crimes 'impairing or obstructing an important function of a department of the government by defeating its efficiency or destroying the value of its lawful operations by deceit, graft, trickery, or dishonest means.'" Id. (brackets omitted) (quoting Matter of Flores, 17 I&N. Dec. 225, 229 (BIA 1980))
False License, Birth Certificate	**2C:21-2.1(b)**	**PROBABLY**. If it includes loss to victim(s)	**PROBABLY**		See, Parris v. Whitaker, No. 17-3482, 2018 U.S. App. LEXIS 35515, at *1 (2d Cir. Dec. 19, 2018), Rodriguez v. Gonzales, 451 F.3d 60 (2d Cir. 2006) -

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
		greater than $10,000 or a term of imprisonment is at least one year			citing Flores - The definition encompasses "crimes 'impairing or obstructing an important function of a department of the government by defeating its efficiency or destroying the value of its lawful operations by deceit, graft, trickery, or dishonest means.'" Id. (brackets omitted) (quoting Matter of Flores, 17 I&N. Dec. 225, 229 (BIA 1980)); if there is no indication in the charge or the factual recitation regarding a fraud or fraudulent intent, simply possessing the fake card will not be a CIMT. 2003 Immig. Rptr. LEXIS 3973, *4-3, 26 Immig. Rptr. B1-133 Cf. Matter of Flores, 17 I&N. Dec. 225 (BIA 1980). See Matter of Adetiba where BIA found falsely representing Social Security number is CIMT (20 I&N Dec. 506 (BIA 1992)); see Matter of Correa-Garces, 20 I&N Dec. 451 (BIA 1992) where making a false statement involving use of another's name and Social Security number in an application for a U.S. passport is CIMT; see also Matter of Jurado 24 I&N Dec. 29 (BIA 2006) where BIA found a written false statement the individual knows is not true that is made with intent to mislead a public servant is a CIMT, even if materiality is not an element; however, in 9th Cir., held written perjury (such as false info in a driver's license application) is NOT a CIMT where intent to defraud is not a necessary element (Rivera v. Lynch, 816 F.3d 1064 (9th Cir. 2016))
False License, Birth Certificate	**2C:21-2.1(c)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000 or a term of imprisonment is at least one year	**PROBABLY**		See Parris v. Whitaker, No. 17-3482, 2018 U.S. App. LEXIS 35515, at *1 (2d Cir. Dec. 19, 2018), Rodriguez v. Gonzales, 451 F.3d 60 (2d Cir. 2006) - siting flores - The definition encompasses "crimes 'impairing or obstructing an important function of a department of the government by defeating its efficiency or destroying the value of its lawful operations by deceit, graft, trickery, or dishonest means.'" Id. (brackets omitted) (quoting Matter of Flores, 17 I&N. Dec. 225, 229 (BIA 1980))
False License, Birth Certificate	**2C:21-2.1(d)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000 or a term of imprisonment is at least one year	**PROBABLY NOT**. Just possession, no intent to defraud		
False License, Birth Certificate	**2C:21-2.1(e)**	Additional sentencing for conviction			
Police Badge Transfers	**2C:21-2.2(a)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000 and the plea colloquy specifies fraud or deceit	**PROBABLY**		
Police Badge Transfers	**2C:21-2.2(b)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000 and the plea colloquy specifies	**PROBABLY**		If there is no indication in the charge or the factual recitation regarding a fraud or fraudulent intent, simply possessing the fake card will not be a CIMT. 2003 Immig. Rptr. LEXIS 3973, *4-3, 26 Immig. Rptr. B1-133 Cf. Matter of Flores, 17 I&N. Dec. 225 (BIA 1980).

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
		fraud or deceit			
Police Badge Transfers	**2C:21-2.2(c)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000 and the plea colloquy specifies fraud or deceit	**PROBABLY**		If there is no indication in the charge or the factual recitation regarding a fraud or fraudulent intent, simply possessing the fake card will not be a CIMT. 2003 Immig. Rptr. LEXIS 3973, *4-3, 26 Immig. Rptr. B1-133 Cf. Matter of Flores, 17 I&N. Dec. 225 (BIA 1980).
Producing, Selling, Etc. Fraudulent Motor Vehicle Insurance Card	**2C:21-2.3(2)(a)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000 or a term of imprisonment that is at least one year	**PROBABLY**		If there is no indication in the charge or the factual recitation regarding a fraud or fraudulent intent, simply possessing the fake card will not be a CIMT. 2003 Immig. Rptr. LEXIS 3973, *4-3, 2 see Ildefonso-Candelario v. Att'y Gen., 866 F.3d 102, 103 (3d Cir. 2017), where 18 Pa. Cons. Stat. § 5101 encompassed non- fraudulent as well as fraudulent conduct. The government admitted that § 5101 could not categorically be a crime involving moral turpitude under the Matter of Flores and the Matter of Jurado-Delgado decisions.
Producing, Selling, Etc. Fraudulent Motor Vehicle Insurance Card	**2C:21-2.3(2)(b)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000 or a term of imprisonment that is at least one year	**PROBABLY**		If there is no indication in the charge or the factual recitation regarding a fraud or fraudulent intent, simply possessing the fake card will not be a CIMT. 2003 Immig. Rptr. LEXIS 3973, *4-3, 2 see Ildefonso-Candelario v. Att'y Gen., 866 F.3d 102, 103 (3d Cir. 2017), where 18 Pa. Cons. Stat. § 5101 encompassed non- fraudulent as well as fraudulent conduct. The government admitted that § 5101 could not categorically be a crime involving moral turpitude under the Matter of Flores and the Matter of Jurado-Delgado decisions.
Producing, Selling, Etc. Fraudulent Motor Vehicle Insurance Card	**2C:21-2.3(2)©**	**MIGHT** (prior ed.: likely No - unless there is a loss to victim(s) greater than $10,000)	**MIGHT** (prior ed.: likely no - if just possession, need intent to defraud)		If there is no indication in the charge or the factual recitation regarding a fraud or fraudulent intent, simply possessing the fake card will not be a CIMT. 2003 Immig. Rptr. LEXIS 3973, *4-3, 2 Need intent to defraud
Possession of Fraudulent Receipts/labels/checks	**2C:21-2.4(2)(a)**	**PROBABLY**. If there is a loss to victim(s) greater than $10,000 or the term of imprisonment is longer than one year	**PROBABLY**		Defendant's conviction for possession of false document with intent to perpetrate fraud or with knowledge that his possession was facilitating fraud was aggravated felony under 8 USCS § 1101(a)(43) (R)--which included offense's such defendant's relating to forgery--for purposes of enhancement under USSG § 2L1.2(b)(1)(C). United States v. Chavarria-Brito (2008, CA8 Iowa) 526 F3d 1184. 8 U.S.C.S. § 1101 (LexisNexis, Lexis Advance through PL 115-338, approved 12/20/18, with a gap of 115-334)
Possession of Fraudulent Receipts/labels/checks	**2C:21-2.4(2)(b)**	**PROBABLY**. If there is a loss to victim(s) greater than $10,000 or the term of imprisonment is longer than one year	**PROBABLY**		
Frauds Re: Public Records	**2C:21-3(a)**	**PROBABLY**. If there is a loss to victim(s) greater than $10,000 or the term of	**PROBABLY**		Tips for defense lawyers: 1. To avoid "forgery" AF, avoid sentence imposed of one year (get 364 days or less).

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
		imprisonment is longer than one year			2. To decrease "fraud" AF risk, specify in the plea colloquy that the loss amount did not exceed $10,000 (see Fighting Aggravated Felony Charges: Sample Aggravated Felony Case Law Determinations for more detail); and/or specify in plea colloquy that offense was committed with intent to injure (as opposed to with intent to deceive or defraud). See Valansi v. Ashcroft, 278 F.3d 203 (3d Cir. 2002).
Frauds Re: Public Records	**2C:21-3(b)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000	**PROBABLY**		Tips for defense lawyers: 1. To avoid "forgery" AF, avoid sentence imposed of one year (get 364 days or less). 2. To decrease "fraud" AF risk, specify in the plea colloquy that the loss amount did not exceed $10,000 (see Fighting Aggravated Felony Charges: Sample Aggravated Felony Case Law Determinations for more detail); and/or specify in plea colloquy that offense was committed with intent to injure (as opposed to with intent to deceive or defraud). See Valansi v. Ashcroft, 278 F.3d 203 (3d Cir. 2002). See Matter of Jurado 24 I&N Dec. 29 (BIA 2006) where BIA found a written false statement the individual knows is not true that is made with intent to mislead a public servant is a CIMT, even if materiality is not an element; however, in 9th Cir., held written perjury (such as false info in a driver's license application) is NOT a CIMT where intent to defraud is not a necessary element (Rivera v. Lynch, 816 F.3d 1064 (9th Cir. 2016))
Falsifying or Tampering with Records	**2C:21-4(a)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000 or the term of imprisonment is longer than one year	**PROBABLY**		Tips for defense lawyers: 1. To avoid "forgery" AF, avoid sentence imposed of one year (get 364 days or less). 2. To decrease "fraud" AF risk, specify in the plea colloquy that the loss amount did not exceed $10,000 (see Fighting Aggravated Felony Charges: Sample Aggravated Felony Case Law Determinations for more detail); and/or specify in plea colloquy that offense was committed with intent to injure (as opposed to with intent to deceive or defraud). See Valansi v. Ashcroft, 278 F.3d 203 (3d Cir. 2002).
Falsifying or Tampering with Records	**2C:21-4(b)(1)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000 or the term of imprisonment is longer than one year	**PROBABLY**		Tips for defense lawyers: 1. To avoid "forgery" AF, avoid sentence imposed of one year (get 364 days or less). 2. To decrease "fraud" AF risk, specify in the plea colloquy that the loss amount did not exceed $10,000 (see Fighting Aggravated Felony Charges: Sample Aggravated Felony Case Law Determinations for more detail); and/or specify in plea colloquy that offense was committed with intent to injure (as opposed to with intent to deceive or defraud). See Valansi v. Ashcroft, 278 F.3d 203 (3d Cir. 2002).
Falsifying or Tampering with Records	**2C:21-4(b)(2)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000 or the	**PROBABLY**		Tips for defense lawyers: 1. To avoid "forgery" AF, avoid sentence imposed of one year (get 364 days or less).

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
		term of imprisonment is longer than one year			2. To decrease "fraud" AF risk, specify in the plea colloquy that the loss amount did not exceed $10,000 (see Fighting Aggravated Felony Charges: Sample Aggravated Felony Case Law Determinations for more detail); and/or specify in plea colloquy that offense was committed with intent to injure (as opposed to with intent to deceive or defraud). See Valansi v. Ashcroft, 278 F.3d 203 (3d Cir. 2002).
Destruction, Alteration, Falsification of Records	**2C:21-4.1**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000	**PROBABLY**		Tips for defense lawyers: 1. To avoid "forgery" AF, avoid sentence imposed of one year (get 364 days or less). 2. To decrease "fraud" AF risk, specify in the plea colloquy that the loss amount did not exceed $10,000 (see Fighting Aggravated Felony Charges: Sample Aggravated Felony Case Law Determinations for more detail); and/or specify in plea colloquy that offense was committed with intent to injure (as opposed to with intent to deceive or defraud). See Valansi v. Ashcroft, 278 F.3d 203 (3d Cir. 2002).
Health Care Claims Fraud	**2C:21-4.2(2)**	Definition			
Fraudulent Destruction, Removal, or Concealment of Recordable Instruments	**2C:21-4.3(a)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000 or the term of imprisonment is longer than one year	**PROBABLY**		Under Denis v. A.G. U.S., the Third Circuit determines whether a state statute is a match to the federal obstruction of justice statutes by looking for a "logical or causal connection" between the statutes. Denis v. AG U.S., 633 F.3d 201 (3d Cir. 2011). Here, the relevant federal statute is 18 U.S.C. §1512(c)(1), which requires that the act be connected to a proceeding. Here, the act does not need to be connected to a proceeding. Therefore, there might not be a logical connection between the statutes under Flores v. A.G. U.S., 856 F.3d 280 (3d Cir. 2017). Tips for defense lawyers: 1. To decrease "fraud" AF risk, specify in the plea colloquy that the loss amount did not exceed $10,000 (see Fighting Aggravated Felony Charges: Sample Aggravated Felony Case Law Determinations for more detail); and/or specify in plea colloquy that offense was committed with intent to injure (as opposed to with intent to deceive or defraud). See Valansi v. Ashcroft, 278 F.3d 203 (3d Cir. 2002).
Offering a False Instrument for Filing	**2C:21-4.3(b)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000	**PROBABLY**		In Kwok Sum Wong, the court questioned whether a NJ DP is a conviction for immigration purposes and remanded for consideration. Kwok Sum Wong v. Barr, 818 F. App'x 44 (2d Cir. 2020). Tips for defense lawyers: 1. To decrease "fraud" AF risk, specify in the plea colloquy that the loss amount did not exceed $10,000 (see Fighting Aggravated Felony Charges: Sample Aggravated Felony Case Law Determinations for more detail); and/or specify in plea colloquy that offense was committed with intent to injure (as opposed to with intent to deceive or defraud). See Valansi v. Ashcroft, 278 F.3d 203 (3d Cir. 2002).
Insurance Fraud	**2C:21-4.4(a)**	Except as provided in subsection b. of this section, any person who knowingly possesses a forged or altered retail sales receipt, universal product code (UPC) label or check for the purpose of defrauding a retail merchant shall be guilty of a disorderly persons offense.			

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Insurance Fraud	**2C:21-4.4(b)**	Any person who knowingly possesses 15 or more forged or altered retail sales receipts, universal product code labels or checks for the purpose of defrauding a retail merchant shall be guilty of a crime of the fourth degree.			
Insurance Fraud	**2C:21-4.5**	Definition			
Insurance Fraud	**2C:21-4.6(a)**	**PROBABLY**	**PROBABLY**		"The offenses that were the illegal object of the respondent's conspiracy were the making of false statements relating to a health care benefit program in violation of 18 U.S.C. § 1035 (2000); mail fraud in violation of 18 U.S.C. § 1341; and health insurance fraud in violation of 18 U.S.C. § 1347 (2000). On the basis of these facts, the Immigration Judge determined that the respondent is removable as an alien convicted of an 'aggravated felony' pursuant to section 237(a)(2) (A)(iii) of the Act, 8 U.S.C. § 1227(a)(2)(A)(iii) (2000)." In re S--- I--- K, 24 I&N. Dec. 324, 324-325, 2007 BIA LEXIS 37, *1-2 (BIA 2007) Tips for defense lawyers: 1. To decrease "fraud" AF risk, specify in the plea colloquy that the loss amount did not exceed $10,000 (see Fighting Aggravated Felony Charges: Sample Aggravated Felony Case Law Determinations for more detail); and/or specify in plea colloquy that offense was committed with intent to injure (as opposed to with intent to deceive or defraud). See Valansi v. Ashcroft, 278 F.3d 203 (3d Cir. 2002). The Board of Immigration Appeals has issued a decision in Matter of F-R-A-, 28 I&N Dec. 460 (BIA 2022). The amount of forfeiture ordered in a criminal proceeding may be considered in determining whether a crime of fraud or deceit resulted in a loss to a victim or victims exceeding $10,0000 pursuant to section 101(a)(43)(M)(i) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(43)(M)(i) (2018), if the amount set forth in the order is sufficiently tethered and traceable to the conduct of conviction.
Insurance Fraud	**2C:21-4.6(b)**	**PROBABLY**	**PROBABLY**		
Insurance Fraud	**2C:21-4.6(c)**	Grading			
Insurance Fraud	**2C:21-4.6(d)**	Proof that a person has signed or initialed an application, bill, claim, affidavit, certification, record or other document may give rise to an inference that the person has read and reviewed the application, bill, claim, affidavit, certification, record or other document.			
Insurance Fraud	**2C:21-4.6(e)**	In order to promote the uniform enforcement of this act, the Attorney General shall develop insurance fraud prosecution guidelines and disseminate them to county prosecutors within 180 days of the effective date of this act.			
Insurance Fraud	**2C:21-4.6(e)**	Nothing in this act shall preclude an indictment and conviction for any other offense defined by the laws of this State.			
Insurance Fraud	**2C:21-4.6(f)**	Nothing in this act shall preclude an assignment judge from dismissing a prosecution of insurance fraud if the assignment judge determines, pursuant to N.J.S.2C:2-11, the conduct charged to be a de minimis infraction.			
Insurance Fraud	**2C:21-4.6(g)**	Nothing in this act shall preclude an assignment judge from dismissing a prosecution of insurance fraud if the assignment judge determines, pursuant to N.J.S.2C:2-11, the conduct charged to be a de minimis infraction.			
Insurance Fraud	**2C:21-4.7**	Reward Program			

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Motor Vehicle Title	**2C:21-4.8**	Grading			
Bad Checks	**2C:21-5**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000	**PROBABLY**		In Matter of Balao, 20 I&N Dec. 440 (BIA 1992), BIA addressed a Pennsylvania passing bad checks statute which did not require an intent to defraud; noted that moral turpitude "is not involved if a conviction can be obtained without prior proof that the convicted person acted with intent to defraud." 20 I&N Dec. at 444. Matter of Stasinski, 11 I&N Dec. 202 (BIA 1965) involved issuing worthless checks under a Wisconsin statute; found in this case that because the intent to defraud is not an element of the statute, there could be no finding of moral turpitude. 11 I&N Dec. at 203. Matter of Bailie 10 I&N Dec. 679, 680 (BIA 1964) dealt with a Kansas statute for drawing a check with insufficient funds, and found that intent to defraud was not an element of the crime, and therefore, it was not a crime involving moral turpitude. The pertinent issue in this case is whether obtaining property or services by bad check under Maryland Code Article 27, section 141, as in effect at the time the Applicant was charged with the offense, involved [*7] an intent to defraud. The Maryland Court of Appeals has found that a specific intent to defraud is not an element of the statute, and therefore the offense does not involve moral turpitude. Attorney Grievance Comm'n of Maryland v. Shaffer, 305 Md. 190, 196 (1986). 2017 Immig. Rptr. LEXIS 12128, *6-7. If client pleads to 21-5, which does not require an intent to defraud (State v. Kelm, 289 NJ Super 55 (AD), cert. den. 146 NJ 68 (1996)), this could be argued not to be a CIMT.
Bad Checks	**2C:21-5(c)**	Grading			
Credit Cards	**2C:21-6(b)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000	**PROBABLY**		Where fraud is clearly an ingredient of a crime, it involves moral turpitude, even if the usual phraseology concerning fraud is not included in the statute. 17 I&N. Dec. 225, 225, 1980 BIA LEXIS 4, *1 (BIA 1980); See Nijhawan v. Holder, 557 U.S. 29 (2009) where Court notes that a conviction under this statute does not require the minimum $10,000 threshold See Matter of Adetiba where BIA found use of fraudulent credit cards in violation of 18 U.S.C. §§1341 and 1342 was CIMT (20 I&N Dec. 506 (BIA 1992))
Credit Cards	**2C:21-6(c)(1)**	**PROBABLY**. If term of imprisonment is at least one year	**PROBABLY**		
Credit Cards	**2C:21-6(c)(2)**	**PROBABLY**. If term of imprisonment is at least one year	**PROBABLY**		
Credit Cards	**2C:21-6(c)(3)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000	**PROBABLY**		
Credit Cards	**2C:21-6(c)(4)**	**PROBABLY**. If it includes loss to victim(s)	**PROBABLY**		

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
		greater than $10,000			
Credit Cards	**2C:21-6(c)(5)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000	**PROBABLY**		
Credit Cards	**2C:21-6(c)(6)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000	**PROBABLY**		
Credit Cards	**2C:21-6(d)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000	**PROBABLY**		
Credit Cards	**2C:21-6(e)(1)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000	**PROBABLY**		
Credit Cards	**2C:21-6(e)(2)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000	**PROBABLY**		
Credit Cards	**2C:21-6(f)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000	**PROBABLY**		
Credit Cards	**2C:21-6(g)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000	**PROBABLY**		
Credit Cards	**2C:21-6(h)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000	**PROBABLY**		
Scanning Devices	**2C:21-6.1(a)**	Definitions			
Scanning Devices	**2C:21-6.1(b)(1)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000	**PROBABLY**		
Scanning Devices	**2C:21-6.1(b)(2)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000	**PROBABLY**		
Scanning Devices	**2C:21-6.1(c)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000	**PROBABLY**		
Deceptive Business Practices	**2C:21-7(a)**	**PROBABLY**. If it includes loss to victim(s)	**MIGHT** (prior ed.:		Possible argument - not divisible because it includes using AND possessing -

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
		greater than $10,000	possibly no - not divisible)		possessing not a CIMT Petty Offense Exception will apply since it is a disorderly persons offense because it is not punishable by a prison sentence of more than one year
Deceptive Business Practices	**2C:21-7(b)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000	**MIGHT**. If the intent is to steal or defraud		Petty Offense Exception will apply since it is a disorderly persons offense because it is not punishable by a prison sentence of more than one year
Deceptive Business Practices	**2C:21-7(c)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000 or if term of imprisonment is at least one year	**PROBABLY**		Petty Offense Exception will apply since it is a disorderly persons offense because it is not punishable by a prison sentence of more than one year
Deceptive Business Practices	**2C:21-7(d)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000	**MIGHT**. If the intent is to defraud		Petty Offense Exception will apply since it is a disorderly persons offense because it is not punishable by a prison sentence of more than one year
Deceptive Business Practices	**2C:21-7(e)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000	**PROBABLY**. If the intent is to defraud		Petty Offense Exception will apply since it is a disorderly persons offense because it is not punishable by a prison sentence of more than one year
Deceptive Business Practices	**2C:21-7(h)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000	**PROBABLY**. If the intent is to defraud		
Deceptive Business Practices	**2C:21-7(i)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000	**PROBABLY**. If the intent is to defraud		
False Kosher Food	**2C:21-7.2**	Definition			
False Kosher Food	**2C:21-7.3**	False representation			
False Kosher Food	**2C:21-7.3(a)**	Only if there is a finding of intent to defraud.			
False Kosher Food	**2C:21-7.3(b)**	The presence of any non- kosher food or food product in any place of business that advertises or represents itself in any manner as selling, offering for sale, preparing or serving kosher food or food products only, is presumptive evidence that the person in possession offers the same for sale in violation of this act.			
False Kosher Food	**2C:21-7.3(c)**	It shall be a complete defense to a prosecution under this act that the defendant relied in good faith upon the representations of a slaughterhouse, manufacturer, processor, packer or distributor, or any person or organization which certifies or represents any food or food product at issue to be kosher, kosher for Passover, or as having been prepared under or sanctioned by Orthodox Jewish religious requirements.			
False Kosher Food	**2C:21-7.4**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000	**MIGHT**. Only if there is a finding of intent to defraud.		In Kwok Sum Wong, the court questioned whether a NJ DP is a conviction for immigration purposes and remanded for consideration. Kwok Sum Wong v. Barr, 818 F. App'x 44 (2d Cir. 2020). Petty Offense Exception will apply since it is a disorderly persons offense because it is not punishable by a prison sentence of more than one year

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Misrepresentation of Mileage of Motor Vehicle	**2C:21-8**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000	**PROBABLY**. As it involves deceit.		This is a disorderly persons offense, so there may be an argument that it does not count as a conviction for immigration purposes.
Misconduct by Corporate Official	**2C:21-9(a)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000	**PROBABLY**		
Misconduct by Corporate Official	**2C:21-9(b)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000	**PROBABLY**		
Misconduct by Corporate Official	**2C:21-9(c)**	**MIGHT**. If the underlying crime is an aggravated felony, this may be as well.	**MIGHT**. If the underlying crime is a CIMT, this may be as well.	**MIGHT**. If the underlying crime fits into one of these categories, this may as well.	This is not unlike a conspiracy, so it would likely be covered by the conspiracy or attempt prong of "aggravated felony." However, under the categorical approach, the element is only that the corporation be operated in furtherance of any criminal object. Since its elements alone do not constitute one of the enumerated grounds or necessarily include moral turpitude, the negative consequences can be avoided, especially with careful pleading.
Commercial Bribery	**2C:21-10(a)**	**PROBABLY**. If term of imprisonment is at least one year	**PROBABLY**		
Commercial Bribery	**2C:21-10(b)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000	**PROBABLY**		
Commercial Bribery	**2C:21-10(c)**	A person commits a crime if he confers, or offers or agrees to confer, any benefit the acceptance of which would be criminal under this section.			
Commercial Bribery	**2C:21-10(d)**	If the benefit offered, conferred, agreed to be conferred, solicited, accepted or agreed to be accepted in violation of this section is $75,000.00 or more, the offender is guilty of a crime of the second degree. If the benefit exceeds $1,000.00, but is less than $75,000.00, the offender is guilty of a crime of the third degree. If the benefit is $1,000.00 or less, the offender is guilty of a crime of the fourth degree.			
Rigging Public Contest	**2C:21-11(a)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000 or a term of imprisonment is at least one year	**PROBABLY**		This is more likely to be considered a bribery offense than a fraud offense, but it may not be either because it does not have commercial bribery as an element. It is still likely a CIMT.
Rigging Public Contest	**2C:21-11(b)**	**PROBABLY**. If it includes loss to victim(s) greater than	**PROBABLY**		

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
		$10,000 or the term of imprisonment imposed is at least one year.			
Rigging Public Contest	**2C:21-11(c)**	If the benefit offered, conferred, agreed to be conferred, solicited, accepted or agreed to be accepted in violation of subsections a. and b. of this section is $75,000.00 or more, the offender is guilty of a crime of the second degree. If the benefit exceeds $1,000.00, but is less than $75,000.00, the offender is guilty of a crime of the third degree. If the benefit is $1,000.00 or less, the offender is guilty of a crime of the fourth degree.			
Rigging Public Contest	**2C:21-11(d)**	**PROBABLY NOT**. There is no element of fraud here, so the closest thing is obstruction of justice. This is a disorderly persons offense, so it will not result in the one-year imprisonment minimum to be an aggravated felony	**MIGHT** (prior ed.: likely no. There is no element of fraud or deceit here. It involves only nonfeasance.)		
Rigging Public Contest	**2C:21-11(e)**	**MIGHT** (prior ed.: likely No - unless there is an intent to defraud/deceit and there is a loss to victim(s) greater than) $10,000	**MIGHT**. Only if there is a finding of intent to defraud.		This is more likely to be read to involve fraud because the perpetrator knows of the tampered nature of the contest.
Defrauding Secured Creditors	**2C:21-12**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000	**PROBABLY**		See Nijhawan v. Holder, 557 U.S. 29 (2009) where Court notes that a conviction under this statute does not require the minimum $10,000 threshold
Defrauding Secured Creditors	**2C:21-13**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000	**PROBABLY**		
Defrauding Secured Creditors	**2C:21-13(a)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000	**PROBABLY**		
Defrauding Secured Creditors	**2C:21-13(b)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000 or if term of imprisonment is at least one year	**PROBABLY**		This possibly falls under the fraud umbrella with a $10,000 loss threshold and the forgery umbrella with a one-year imprisonment threshold. It is likely two grounds of aggravated felonies in one statute because of the wording.

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Defrauding Secured Creditors	**2C:21-13(c)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000	**PROBABLY**		
Financial Institution Crime	**2C:21-14**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000	**PROBABLY**. If intent is to defraud		
Misapplication of Entrusted Property by Financial Institution	**2C:21-15**	**PROBABLY**. If it includes a term of imprisonment is at least one year (theft).	**PROBABLY**. Intend to steal or defraud		This likely falls within the federal definition of theft because it involves exercising control over the property of another without consent.
Securing Execution of Documents by Deception	**2C:21-16**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000 (deceit)	**PROBABLY**. Because of the element of deceit.		
Impersonation/ Identity Theft	**2C:21-17(a)(1)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000 (fraud) or a term of imprisonment is at least one year (theft).	**PROBABLY**		2013 Immig. Rptr. LEXIS 10329, *11 - Discusses criminal impersonation as Fraud
Impersonation/ Identity Theft	**2C:21-17(a)(2)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000 (fraud) or a term of imprisonment is at least one year (theft).	**PROBABLY**		2013 Immig. Rptr. LEXIS 10329, *11 - Discusses criminal impersonation as Fraud
Impersonation/ Identity Theft	**2C:21-17(a)(3)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000 (fraud) or a term of imprisonment is at least one year (theft).	**PROBABLY**		2013 Immig. Rptr. LEXIS 10329, *11 - Discusses criminal impersonation as Fraud
Impersonation/ Identity Theft	**2C:21-17(a)(4)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000 (fraud) or a term of imprisonment is at least one year (theft) or conspiracy	**PROBABLY**		2013 Immig. Rptr. LEXIS 10329, *11 - Discusses criminal impersonation as Fraud See Matter of Adetiba where BIA found falsely representing Social Security number is CIMT (20 I&N Dec. 506 (BIA 1992)); see Matter of Correa-Garces, 20 I&N Dec. 451 (BIA 1992) where making a false statement involving use of another's name and Social Security number in an application for a U.S. passport is CIMT

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Impersonation/ Identity Theft	**2C:21-17(a)(5)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000 (fraud) or a term of imprisonment is at least one year (theft).	**PROBABLY**		2013 Immig. Rptr. LEXIS 10329, *11 - Discusses criminal impersonation as Fraud
Impersonation/ Identity Theft	**2C:21-17(c)**	A person who violates subsection a. of this section is guilty of a crime as follows (see statute)			
Impersonation/ Identity Theft	**2C:21-17(d)**	A violation of N.J.S.A.2C:28- 7, constituting a disorderly persons offense, section 1 of P.L.1979, c.264 (C.2C:33-15), R.S.33:1-81 or section 6 of P.L.1968, c.313 (C.33:1-81.7) in a case where the person uses the personal identifying information of another to illegally purchase an alcoholic beverage or for using the personal identifying information of another to misrepresent his age for the purpose of obtaining tobacco or other consumer product denied to persons under 18 years of age shall not constitute an offense under this section if the actor received only that benefit or service and did not perpetrate or attempt to perpetrate any additional injury or fraud on another.			
Impersonation/ Identity Theft	**2C:21-17(e)**	The sentencing court shall issue such orders as are necessary to correct any public record or government document that contains false information as a result of a theft of identity. The sentencing court may provide restitution to the victim in accordance with the provisions of section 4 of P.L. 2002, c.85 (C.2C:21-17.1).			
Impersonation/ Identity Theft	**2C:21-17.1**	Restitution to victim of unlawful use of personal identifying information. - 4. Restitution to a victim of an offense under N.J.S.A.2C:21- 1, section 1 of P.L.1983, c.565 (C.2C:21-2.1), N.J.S.2C:21-17, section 5 of P.L.2003, c.184 (C.2C:21-17.2) or section 6 of P.L. 2003, c.184 (C.2C:21-17.3) when the offense concerns personal identifying information may include costs incurred by the victim:			
Use of Personal ID Information of Another	**2C:21-17.2(5)**	**MIGHT** (prior ed.: likely no. There is no element that would make it a theft crime because the false document does not have to be stolen. The only way it could be a fraud crime is if the loss to the victim is $10,000, which is difficult to imagine here.)	**PROBABLY**		See Matter of Adetiba where BIA found falsely representing Social Security number is CIMT (20 I&N Dec. 506 (BIA 1992)); see Matter of Correa-Garces, 20 I&N Dec. 451 (BIA 1992) where making a false statement involving use of another's name and Social Security number in an application for a U.S. passport is CIMT; see also Matter of Jurado 24 I&N Dec. 29 (BIA 2006) where BIA found a written false statement the individual knows is not true that is made with intent to mislead a public servant is a CIMT, even if materiality is not an element; however, in 9th Cir., held written perjury (such as false info in a driver's license application) is NOT a CIMT where intent to defraud is not a necessary element (Rivera v. Lynch, 816 F.3d 1064 (9th Cir. 2016))
Trafficking in Personal ID Information of Another	**2C:21-17.3**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000	**PROBABLY**		This statute is divisible, so it may be possible to plead around the fraud elements to avoid the aggravated felony conviction. The jury instructions include alternate elements and allow the intent to be fraud or obtaining a benefit for oneself or another. It is still likely a CIMT.
Use of Personal ID Information of Another	**2C:21-17.4**	Action for damages resulting from use of personal identifying information; standard of proof; other remedies			
Slugs	**2C:21-18(1)**	**PROBABLY NOT**. It is a disorderly persons offense, so the term of imprisonment will not exceed 1 year. It would be	**PROBABLY**		The purpose to defraud makes this a CIMT and an aggravated felony if the factual circumstances are met.

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
		very difficult to cause a loss of $10,000 through a vending machine.			
Slugs	**2C:21-18(2)**	**MIGHT** (prior ed.: likely no. See above.)	**PROBABLY**		Merely possessing the item may not be a CIMT, but the purpose of enabling someone to use the item to commit theft likely does constitute a CIMT.
Criminal Usury	**2C:21-19(a)(1)**	**MIGHT** (prior ed.: likely no. There is no element of fraud, deceit, or theft in the statute)	**MIGHT**. There is no case law on usury, so whether it is a CIMT is debatable.		
Criminal Usury	**2C:21-19(a)(2)**	**MIGHT** (prior ed.: likely no. See above.)	**MIGHT**. See above.		
Possession of Usurious Loan Records	**2C:21-19(c)**	**MIGHT** (prior ed.: likely no.)	**MIGHT** (prior ed.: likely no.)		This statute criminalizes only possession of records of usury. There is no element that the person engage in theft or fraud or try to obstruct an investigation.
Unlawful Collection Practices	**2C:21-19(d)**	**MIGHT**. If the fraud results in a loss to the victim of more than $10,000 (deceit).	**PROBABLY**. The elements, though it is not not explicitly stated, include an intent to defraud with the illegitimate document.		
False Statement of Credit Terms	**2C:21-19(e)**	**PROBABLY**. If the loss to the victim exceeds $10,000 (fraud offense). Not a theft offense because the disorderly persons offense will not result in a term of imprisonment of 1 year or more.	**MIGHT**. These elements implicitly include fraud.		
Unlicensed Practice of Debt Adjusting	**2C:21-19(f)**	**MIGHT** (prior ed.: likely no. This does not require that the actor commit fraud or deceive. The victim of the crime could know that the actor is unauthorized, so there is no requirement of fraud here.)	**MIGHT**. This does not require that the actor commit fraud or deceive. The victim of the crime could know that the actor is unauthorized, so there is no requirement of fraud here.		Fraud or deceit crimes have to have fraud or deceit as elements, and here that is lacking. However, trafficking in counterfeit services may be considered a CIMT under Matter of Kochlani, 24 I&N Dec. 128 (2007).
Unlicensed Practice of Medicine	**2C:21-20(a)**	**MIGHT** (prior ed.: likely no. There is no element of fraud or theft.)	**MIGHT** (prior ed.: likely no. The patient can be aware that the actor is not licensed.)		

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Unlicensed Practice of Medicine	**2C:21-20(b)**	**MIGHT** (prior ed.: likely no. See above.)	**MIGHT** (prior ed.: likely no. See above.)		
Unlicensed Practice of Medicine	**2C:21-20(c)**	**MIGHT** (prior ed.: likely no. For liability to inhere, the person only must hold himself out as licensed. There is no requirement of reliance on the representation.)	**PROBABLY**		This does include an aspect of fraud, so it is a CIMT for that reason. However, it is not an aggravated felony because the Third Circuit requires reliance on the false statement for an aggravated felony involving fraud.
Unlicensed Practice of Medicine	**2C:21-20(d)**	**MIGHT** (prior ed.: likely no. There is no requirement of fraud, and the example of ordering controlled substances is a means, not an element.)	**MIGHT** (prior ed.: likely no.)		
Unlicensed Practice of Medicine	**2C:21-20(e)**	**PROBABLY**. If the loss to the victim exceeds $10,000	**PROBABLY**		Criminal impersonation is considered fraud.
Unlicensed Practice of Acupuncture	**2C:21-20.1(a)**	**MIGHT** (prior ed.: likely no.)	**MIGHT**. This could qualify as a counterfeit service.		
Unlicensed Practice of Acupuncture	**2C:21-20.1(b)**	**MIGHT** (prior ed.: likely no.)	**MIGHT**. This could qualify as a counterfeit service.		
Unlicensed Practice of Acupuncture	**2C:21-20.1(c)**	**MIGHT** (prior ed.: likely no.)	**PROBABLY**		
Unlicensed Practice of Acupuncture	**2C:21-20.1(d)**	**MIGHT** (prior ed.: likely no.)	**MIGHT**. This could qualify as a counterfeit service.		
Unlicensed Practice of Acupuncture	**2C:21-20.1(e)**	**PROBABLY**. If the loss to the victim exceeds $10,000 or the term of imprisonment is at least 1 year.	**PROBABLY**		
Unauthorized Practice of Psychology	**2C:21-20.2(a)**	**MIGHT** (prior ed.: likely no.)	**MIGHT**. This could qualify as a counterfeit service.		This section shall not apply to any person who is authorized to practice psychology without a license pursuant to the "Practicing Psychology Licensing Act," P.L.1966, c. 282 (C.45:14B-1 et seq.) or any other applicable law.
Unauthorized Practice	**2C:21-20.2(b)**	**MIGHT** (prior ed.: likely	**MIGHT**. This could		

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
of Psychology		no.)	qualify as a counterfeit service.		
Unauthorized Practice of Psychology	**2C:21-20.2(c)**	**MIGHT** (prior ed.: likely no.)	**PROBABLY**		
Unauthorized Practice of Psychology	**2C:21-20.2(d)**	**MIGHT** (prior ed.: likely no.)	**MIGHT**. This could qualify as a counterfeit service.		
Unauthorized Practice of Psychology	**2C:21-20.2(e)**	**PROBABLY**. If the loss to the victim exceeds $10,000	**PROBABLY**		
Unauthorized Practice of Chiropractic	**2C:21-20.3(a)**				This section shall not apply to any person who is authorized to practice chiropractic without a license pursuant to the "Chiropractic Board Act," P.L.1989, c. 153 (C.45:9-41.17 et al.), or R.S.45:9-14.5, R.S.45:9-14.6, or R.S.45:9-14.10, or P.L.1953, c. 233 (C.45:9-41.4 et al.), or any other applicable law.
Unauthorized Practice of Chiropractic	**2C:21-20.3(b)**	**MIGHT** (prior ed.: likely no.)	**MIGHT** (prior ed.: likely no.)		
Unauthorized Practice of Chiropractic	**2C:21-20.3(c)**	**MIGHT** (prior ed.: likely no.)	**PROBABLY**		
Unauthorized Practice of Chiropractic	**2C:21-20.3(d)**	**MIGHT** (prior ed.: likely no.)	**MIGHT** (prior ed.: likely no.)		
Unauthorized Practice of Chiropractic	**2C:21-20.3(e)**	**PROBABLY**. If the loss to the victim exceeds $10,000	**PROBABLY**		
Unauthorized Practice of Social Work	**2C:21-20.4(a)**	**MIGHT** (prior ed.: likely no.)	**MIGHT**. This could qualify as a counterfeit service.		This section shall not apply to any person who is authorized to practice social work without a license or certification pursuant to the "Social Workers' Licensing Act of 1991," P.L.1991, c. 134 (C.45:15BB-1 et seq.) or any other applicable law.
Unauthorized Practice of Social Work	**2C:21-20.4(b)**	**MIGHT** (prior ed.: likely no.)	**MIGHT**. This could qualify as a counterfeit service.		
Unauthorized Practice of Social Work	**2C:21-20.4(c)**	**MIGHT** (prior ed.: likely no.)	**PROBABLY**		
Unauthorized Practice of Social Work	**2C:21-20.4(d)**	**MIGHT** (prior ed.: likely no)	**MIGHT**. This could qualify as a counterfeit service.		

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Unauthorized Practice of Social Work	**2C:21-20.4(e)**	**PROBABLY**. If the loss to the victim exceeds $10,000	**PROBABLY**		
Unauthorized Practice of Psychoanalysis	**2C:21-20.5(a)**	**MIGHT** (prior ed.: likely no)	**PROBABLY**		
Unauthorized Practice of Psychoanalysis	**2C:21-20.5(b)**	**PROBABLY**. If the loss to the victim exceeds $10,000	**PROBABLY**		
NJ Anti-Piracy Act	**2C:21-21(1)(a)**	Short Title			
NJ Anti-Piracy Act	**2C:21-21(1)(b)**	Definitions			
NJ Anti-Piracy Act	**2C:21-21(1)(c)(1)**	**PROBABLY**. If it includes a term of imprisonment is at least one year (theft).	**PROBABLY**		This likely falls within the federal definition of theft because it involves exercising control over the property of another without consent.
NJ Anti-Piracy Act	**2C:21-21(1)(c)(2)**	**PROBABLY**. If it includes a term of imprisonment is at least one year (theft).	**PROBABLY**. This would be considered trafficking in counterfeit goods.		
NJ Anti-Piracy Act	**2C:21-21(1)(c)(3)**	**PROBABLY**. If it includes a term of imprisonment is at least one year (theft).	**PROBABLY**. This would be considered trafficking in counterfeit goods.		
NJ Anti-Piracy Act	**2C:21-21(1)(c)(4)**	**PROBABLY**. If the term of imprisonment is at least one year (theft).	**PROBABLY**		
NJ Anti-Piracy Act	**2C:21-21(1)(c)(5)**	**PROBABLY**. If the term of imprisonment is at least one year (theft).	**PROBABLY**		
NJ Anti-Piracy Act	**2C:21-21(1)(d)**	Grading			
NJ Anti-Piracy Act	**2C:21-21(1)(e)**	All unlawful sound recordings and audiovisual works and any equipment or components used in violation of the provisions of this act shall be subject to forfeiture in accordance with the procedures set forth in chapter 64 of Title 2C of the New Jersey Statutes.			
NJ Anti-Piracy Act	**2C:21-21(1)(f)**	Any broadcaster who, in connection with or as part of a radio or television broadcast transmission, or for the purposes of archival preservation, transfers any sounds or images recorded on a sound recording or audiovisual work. Any person who, in his own home, for his own personal use, and without deriving any profit, transfers any sounds or images recorded on a sound recording or audiovisual work.			
Unauthorized Practice of Law	**2C:21-22**	**PROBABLY**. If it includes loss to victim(s) greater than	**PROBABLY**. Theft by deception		This is also a counterfeit service offense, so it probably qualifies as a CIMT. The statute is divisible, but all violations necessarily include the counterfeit

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
		$10,000 (fraud) or a term of imprisonment is at least one year (theft).			services.
Use of Runners	**2C:21-22.1(b)**	**MIGHT** (prior ed.: likely no. There is no requirement that theft or fraud occur. This is basically recruitment, but it can be for legitimate providers.)	**MIGHT** (prior ed.: likely no)		
Money Laundering	**2C:21-25(a)**	**PROBABLY**. If the amount of the funds exceeded $ 10,000 (money laundering).	**MIGHT** (prior ed.: probably no)		The wording of this statute closely follows the federal definition. To avoid an aggravated felony conviction, avoid admitting to the amount of $10,000 or more. The burden of proof is on DHS at the removability stage, but on the noncitizen at the relief stage. The statute is not divisible, and the federal statute requires transporting, not merely possessing. The property does not need to be stolen, just resulting from criminal activity. Under a categorical approach, there is an argument that this is not an aggravated felony.
Money Laundering	**2C:21-25(b)(1)**	**PROBABLY**. If the amount of the funds exceeded $ 10,000 (money laundering).	**MIGHT**		The requirement is that the defendant know it is derived from criminal activity, but not know exactly what kind of criminal activity. Any hypo fulfilling these elements without involving moral turpitude will avoid the CIMT finding.
Money Laundering	**2C:21-25(b)(2)**	**PROBABLY**. Conspiracy or if the amount of the funds exceeded $ 10,000 (money laundering).	**PROBABLY**		
Money Laundering	**2C:21-25(d)**	For the purposes of this act, property is known to be derived from criminal activity if the person knows that the property involved represents proceeds from some form, though not necessarily which form, of criminal activity.			
Money Laundering	**2C:21-25(e)(1)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000	**PROBABLY**		These sections involve fraud, so they are likely CIMTs and aggravated felonies if there is a victim who loses more than $10,000. Among the factors that the finder of fact may consider in determining that a transaction has been designed to avoid a transaction reporting requirement shall be whether the person, acting alone or with others, conducted one or more transactions in currency, in any amount, at one or more financial institutions, on one or more days, in any manner.
Money Laundering	**2C:21-25(e)(2)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000	**PROBABLY**		

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Money Laundering	**2C:21-25(e)(3)**	**PROBABLY**. Conspiracy or if it includes loss to victim(s) greater than $10,000	**PROBABLY**		
Unlawful Practice of Dentistry	**2C:21-30(a)**	**MIGHT** (prior ed.: likely no)	**PROBABLY**		This is another example of a counterfeit services statute that may qualify as a CIMT.
Unlawful Practice of Dentistry	**2C:21-30(b)**	**MIGHT** (prior ed.: likely no)	**PROBABLY**		
Unlawful Practice of Dentistry	**2C:21-30(c)**	**MIGHT** (prior ed.: likely no)	**PROBABLY**		
Unlawful Practice of Dentistry	**2C:21-30(d)**	**MIGHT** (prior ed.: likely no)	**PROBABLY**		
Unlawful Practice of Dentistry	**2C:21-30(e)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000	**PROBABLY**		
Unlawful Practice of Immigration Law	**2C:21-31(b)(1)**	**MIGHT** (prior ed.: likely no)	**PROBABLY**. As a counterfeit service.		
Unlawful Practice of Immigration Law	**2C:21-31(b)(2)**	**MIGHT** (prior ed.: likely no)	**PROBABLY**		
Unlawful Practice of Immigration Law	**2C:21-31(b)(3)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000 (fraud).	**PROBABLY**		
Unlawful Practice of Immigration Law	**2C:21-31(c)**	**MIGHT** (prior ed.: likely no)	**MIGHT** (prior ed.: likely no)		This may be considered a theft-related CIMT, but there is no intent to permanently deprive the owner of the property, so just holding onto a document longer than one should is unlikely to be considered a theft offense.
Counterfeiting	**2C:21-32(c)**	**PROBABLY**. If the loss to the victim(s) exceeds $10,000.	**PROBABLY**. Due to the intent to defraud.		In Matter of Kochlani, 24 I&N Dec. 128, 131 (BIA 2007), the BIA determined that trafficking in counterfeit goods is a crime involving moral turpitude because it is "tantamount to commercial forgery" and involves the theft of someone else's property in the form of a trademark.
Electrical Contracting without Permit	**2C:21-33(a)(1)**	**MIGHT** (prior ed.: likely No)	**MIGHT** (prior ed.: likely no)		This offense is more regulatory in nature.
Electrical Contracting without Permit	**2C:21-33(a)(2)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000	**MIGHT**		

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Electrical Contracting without Permit	**2C:21-33(a)(3)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000	**MIGHT** (prior ed.: likely no)		The statute indicates that "in fact" indicates strict liability, so one could negligently cause injury, which would not involve moral turpitude.
False Government Contract Claim	**2C:21-34(a)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000	**YES**. As it involves fraud.		
False Government Contract	**2C:21-34(b)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000	**YES**. As it involves fraud.		See Singh v. Att'y Gen., 677 F.3d 503 (3d Cir. 2012) where 3d Cir. held for AF to exist, there must be an actual loss (not an intended or potential loss); burden is on DHS to prove loss
Wage Discrepancies Government Contract	**2C:21-34(c)**	**MIGHT** (prior ed.: likely no, unless wage theft is expanded to fit in the definition of theft and the imprisonment exceeds 1 year.)	**MIGHT**		
False Public Utility Employee Identification Badge	**2C:21-35(a)**	**MIGHT** (prior ed.: likely no. There is no element of theft or fraud.)	**PROBABLY**		This is another statute dealing with counterfeit goods.
False Public Utility Employee Identification Badge	**2C:21-35(b)**	**MIGHT** (prior ed.: likely no. There is no element requiring a person to be defrauded.)	**MIGHT**		This statute penalizes the possession of materials to make such a document, so it is arguably not a CIMT.
False Public Utility Employee Identification Badge	**2C:21-35(c)**	**PROBABLY**. If it includes loss to victim(s) greater than $10,000	**PROBABLY**		This does include fraudulent acts.
False Public Utility Employee Identification Badge	**2C:21-35(d)**	**MIGHT** (prior ed.: likely no)	**MIGHT** (prior ed.: likely no)		This criminalizes merely possessing a counterfeit document, so it may not be considered a CIMT.
False Document, Lien, Encumbrance	**2C:21-42**	**PROBABLY**. If the loss to the victim(s) exceeds $10,000.	**MIGHT**. Though intent to defraud is one means, it can also be to harass or cause difficulty to a person. This may not be considered inherently base, vile, or depraved.		This statute is divisible, but the intent part is not, so it does not necessarily require an intent to defraud someone.

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Selling, Transferring, or Possessing Trademarked Alarm Business Sign or Decal	**2C:-43**	**PROBABLY NOT**. Nothing in the statute requires theft or fraud, and no other aggravated felony applies.	**MIGHT**. As a counterfeit goods offense, although the sign or decal does not have to be stolen or counterfeit. Displaying a real alarm system sign, received from a willing giver, would also fall under this statute, and that is not inherently base, vile, or depraved.		

2C:22 – Disturbing Human Remains

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Disturbing, Desecrating Human Remains	**2C:22-1(a)(1)**	**MIGHT** (prior ed.: likely no but maybe if "moving" is considered a permanent taking and therefore a theft offense or if the act is considered an obstruction of justice and a prison sentence of 1 year or more is imposed. Otherwise, probably no.)	**MIGHT**		The jury must be unanimous in finding at least one of the sets of conduct described. The mens rea is knowingly because of the gap-filler provision. Under Denis v. A.G. U.S., the Third Circuit determines whether a state statute is a match to the federal obstruction of justice statutes by looking for a "logical or causal connection" between the statutes. Denis v. AG, 633 F.3d 201 (3d Cir. 2011). Here, the relevant federal statute is 18 U.S.C. §1512(c)(1), which requires that the act be connected to a proceeding. Here, the act does not need to be connected to a proceeding. Therefore, there might not be a logical connection between the statutes under Flores v. A.G. U.S., 856 F.3d 280 (3d Cir. 2017). It would be best to keep the term of imprisonment to under one year; CIMT - offense must be committed knowingly, which likely satisfies the evil intent requirement and the conduct is likely inherently base
Disturbing, Desecrating Human Remains	**2C:22-1(a)(2)**	**MIGHT** (prior ed.: likely no but maybe if the act is considered an obstruction of justice offense and a prison sentence of 1 year or more is imposed. Otherwise, probably no.)	**MIGHT**		The jury must be unanimous in finding at least one of the sets of conduct described. The mens rea is knowingly because of the gap-filler provision. Under Denis v. A.G. U.S., the Third Circuit determines whether a state statute is a match to the federal obstruction of justice statutes by looking for a "logical or causal connection" between the statutes. Denis v. AG, 633 F.3d 201 (3d Cir. 2011). Here, the relevant federal statute is 18 U.S.C. §1512(c)(1), which requires that the act be connected to a proceeding. Here, the act does not need to be connected to a proceeding. Therefore, there might not be a logical connection between the statutes under Flores v. A.G. U.S., 856 F.3d 280 (3d Cir. 2017). It would be best to keep the term of imprisonment to under one year; CIMT - offense must be committed knowingly, which likely satisfies the evil intent requirement and the conduct is likely inherently base
Disturbing, Desecrating Human Remains	**2C:22-1(a)(3)**	**MIGHT** (prior ed.: likely No)	**MIGHT**		An aggravated felony includes a crime of violence, which is "an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another." 18 U.S.C.S. § 16(a); see Sessions v. Dimaya, 138 S. Ct. 1204 (2018). Human remains are usually not considered the property of another under NJ law. Toppin v. Moriarty, 44 A. 469 (N.J. Ch. 1899). It would be best to keep the term of imprisonment to under one year; CIMT - offense must be committed knowingly, which likely satisfies the evil intent requirement and the conduct is likely inherently base
Disturbing, Desecrating Human Remains	**2C:22-1(b)**	**MIGHT** (prior ed.: likely no)	**MIGHT** (prior ed.: likely no)		CIMT: though the offense must be committed knowingly which likely satisfies the evil intent requirement, the conduct is not likely inherently base.

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Disturbing, Desecrating Human Remains	**2C:22-1(1)(a)(1)**	**MIGHT** (prior ed.: likely no)	**MIGHT** (prior ed.: likely no)		AF obstruction of justice - if act is in relation to a "coverup" in a criminal investigation and a prison sentence of 1 year or more is imposed
Disturbing, Desecrating Human Remains	**2C:22-1(1)(a)(2)**	**MIGHT**	**MIGHT** (prior ed.: likely no)		AF: crime of violence if actor acted purposely or knowingly and a prison sentence of 1 year or more is imposed; AF obstruction of justice - if act is in relation to a "coverup" in a criminal investigation and a prison sentence of 1 year or more is imposed CIMT: If the actor acted purposely or knowingly and a major portion of its economic value, usefulness, or enjoyment was lost, then maybe this can be considered a taking; and therefore a CIMT. A reckless or negligent taking probably would not qualify as a CIMT.
Disturbing, Desecrating Human Remains	**2C:22-1(1)(a)(3)**	**MIGHT** (prior ed.: likely No)	**MIGHT** (prior ed.: likely no)		
Disturbing, Desecrating Human Remains	**2C:22-1(1)(b)**	**PROBABLY**. For obstruction of justice. Otherwise, likely no.	**MIGHT**		AF obstruction of justice - if act is in relation to a "coverup" in a criminal investigation and a prison sentence of 1 year or more is imposed
Disturbing, Desecrating Human Remains	**2C:22-1(1)(c)**	Definition			
Disturbing, Desecrating Human Remains	**2C:22-1(1)(d)**	Exceptions			
Disturbing, Desecrating Human Remains	**2C:22-2(a)**	**MIGHT** (prior ed.: likely no.)	**PROBABLY**		AF: This statute has no element of theft or fraud, so application of the categorical approach likely would not result in an aggravated felony. CIMT: Trafficking in human organs is likely to be considered base, vile, or depraved.
Disturbing, Desecrating Human Remains	**2C:22-2(b)**	**MIGHT**. A forgery offense, if the term of imprisonment imposed is at least 1 year.	**PROBABLY**		CIMT: It can be considered theft through preventing the recipient of a gift from receiving it, or it can be considered trafficking in human remains.
Disturbing, Desecrating Human Remains	**2C:22-2(c)**	Definition			

2C:24 – Endangering Welfare

Chapter note: Child endangerment offenses implicate the crime-of-child-abuse deportability ground; the Third Circuit requires a sufficiently high risk of harm for endangerment-type offenses without actual injury. *Zhi Fei Liao v. Att'y Gen.*, 910 F.3d 714 (3d Cir. 2018). 2C:24-4(a)(1) is divisible and its sexual-conduct variant is a CIMT. *Sanchez v. Att'y Gen.*, 757 F. App'x 142 (3d Cir. 2018) (non-precedential).

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Bigamy	**2C:24-1**	**PROBABLY NOT**	**MIGHT** (prior ed.: most likely no)	N/A	CIMT: see bigamy cited in cases at district court level re: denaturalization; ex: United States v. Xunmei Li, 2014 WL 880418 (D. Ariz. 2014) ruled bigamy is not a CIMT because less than 1 year prison term in AZ law and falls under "petty offense" exception; since NJ law similarly is short possible sentence, would fall under same exception
Endangering Welfare of a Child	**2C:24-4**	This is a divisible statute which allows courts to use the modified categorical approach. Therefore, what is plead to on the record of conviction is typically considered and can be used when determining deportability.			
Endangering Welfare of a Child	**2C:24-4(a)(1)**	**YES**. For either the 2nd or 3rd degree crimes	**YES**. For either the 2nd or 3rd degree crimes	**PROBABLY**. Under 237(a)(2)(E)(i) Child Abuse	**UPDATE (2026):** *Sanchez v. Att'y Gen.*, 757 F. App'x 142 (3d Cir. 2018) (non-precedential), held 2C:24-4(a)(1) divisible and the sexual-conduct variant a CIMT, because it requires knowledge of the sexual conduct (though not of the victim's age). Assume the crime-of-child-abuse deportability ground applies as well. AF (under sexual abuse of a minor): Jabbar v. Att'y Gen., 508 F. App'x 156 (2013) - 8 U.S.C. §1101(a)(43)(A) - sexual abuse of a minor is an aggravated felony. Jabbar argued 2C:24-4(a) is overly broad, cited Stubbs v. Att'y Gen., 452 F.3d 251. The court distinguished between the cases because Jabbar in his formal plea colloquy admitted to a sexual act in front of a minor. AF (under sexual abuse of a minor): Cabeda v. Att'y Gen., 971 F.3d 165 (3d Cir. 2020) - minimum scienter for AF for "sexual abuse of a minor" requires at least knowledge; here, statute is silent on scienter, so use gap-filler provision (see Sanchez v. Att'y Gen., 757 F. App'x 142 (3d Cir. 2018)); NJ gap-filler N.J.S.A. §2C:2-2(c)(3) = statute silent on mens rea and that is NOT strict liability requires knowledge; therefore, meets AF definition AF: 3d Cir. holds generic definition of AF "sexual assault of a minor" is where (1) "knowingly engaged in an act that constitutes criminal sexual conduct" and (2) did so with a victim of the age the statute requires, regardless if actor "knew or reasonably should have known the person's age." Grijalva Martinez v. Att'y Gen., 978 F.3d 860 (3d Cir. 2020) CIMT: Amaya v. Att'y Gen., 187 F. App'x 130 - the knowing endangerment of the welfare of a child by sexual conduct which would impair or debauch the morals of a child is both intentional and committed with contemplation of the risk of injury involved; was at least aware that he engaged in sexual conduct certain to debauch or impair morales of child; see also Sanchez v. Att'y Gen., 757 F. App'x 142 (3d Cir. 2018) CIMT: though sexual contact itself is not "inherently base, vile, or depraved," adding in the elements of age of victim and age difference with actor most likely will make the conduct "reprehensible" thus falling w/in this statute; see:

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
					Mehboob v. Att'y Gen., 549 F.3d 272 (3d Cir. 2008) CIMT: statute is silent on mens rea, so use knowledge (NJ gap-filler); knowledge would meet "an appreciable level of consciousness of deliberation" but would not in itself indicate "a vicious motive or corrupt mind" as required by the generic definition; defendant may wish to argue the statute is overbroad since the least culpable conduct (a 17-year-old minor having sexual contact with a victim one day shy of 13) may question whether the minor can act with a corrupt mind; however, given Mehboob where the 3d Cir. found a similar PA statute was a CIMT, this NJ statute will most likely be seen as a CIMT Child Abuse - Zhi Fei Liao v. Att'y Gen., 910 F.3d 714 (3d Cir. 2018) - to be a "crime of child abuse," state child endangerment statute must require a "particular likelihood of harm to a child" and more than just a "bare potential for nonserious harm;" in NJ statute, states "would" and not "could" (like PA statute), therefore making it likely a conviction under this statute would be a crime of child abuse, but could try to argue this does not reach the standard set under Zhi Fei Liao above. Also, under Liao v. Attorney General: PA. endangering statute is NOT categorically a child abuse offense because it encompasses behavior not in the federal definition of child abuse. SO, for 2C:24-4 or 9-6.1 cases, if the factual and record are (WITH NO HARM TO THE CHILD) This will not be a child abuse offense or a CIMT: A – used bad language in front of children; B – left out inappropriate movies/TV shows; C – left child home alone for brief period D – Used inappropriate punishment methods with no injuries to the child; or E – something similar 9-6.1 Also, pursuant to N.J.S.A. 9:6-1a defendant can be found guilty of child abuse if the defendant habitually uses, "in the hearing of (name of child) profane, indecent or obscene language." No requirement of debauching, endangering or degrading the morals of a child. Therefore, not a child abuse offense, CIMT or AF. Child Abuse - may argue an act of sexual contact with a victim under the age of 13 by an actor at least four years older might not qualify inherently as mistreatment, and the act does not have a particular likelihood to harm the minor's well-being; also, must include mens rea of above recklessness (see Cabeda v. Att'y Gen., 971 F.3d 165 (3d Cir. 2020)), so could try to plea to something with a lower mens rea
Endangering Welfare of a Child	**2C:24-4(a)(2)**	**MIGHT** (prior ed.: probably Not, but can be based on the circumstances of the record of conviction)	**MIGHT**. Depending on the record of conviction	**MIGHT**. Under 237(a)(2)(E)(i) Crime of Child Abuse, depending on the record of conviction	AF (under crime of violence, which requires use, attempted use, or threatened use of physical force 18 U.S.C. §16): has to have actually happened, not just that it would happen; see: Stubbs v. Att'y Gen., 452 F.3d 251 (3d Cir. 2006); so some of the listed neglect/abuse definitions would not apply to crime of violence AF: if in modified categorical approach determine this statute applies due to violation of 9:6-8.21(c)(1-3), then may be classified as "crime of violence"

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
					(act/omission listed would have to be conducted by the parent/guardian); is 2nd degree crime and thus meets the minimum 1 year sentence; silent on mens rea, thus gap-filler of knowingly AF: avoid AF charge as long as record shows was convicted for any part of statute that does not involve use, attempted use, or threatened use of physical force (nearly all of statute except under 9:6-8.21(c)(1-3)) CIMT: must have both "reprehensible conduct" and a mens rea of "an appreciable level of consciousness or deliberation" signifying a "vicious motive or corrupt mind" (see Partyka v. Att'y Gen., 417 F.3d 408 (3d Cir. 2005) and Matter of Tiwari, 19 I&N Dec. 875 (BIA 1989)); least culpable conduct hypothetically necessary to sustain a conviction here is recklessness, but only if there are aggravating factors in the statute (see Larios v. Att'y Gen., 978 F.3d 62 (3d Cir. 2020)) CIMT: Review under Silva-Trevino; State v. Overton, 815 A.2d 517 (N.J. Super. App. Div. 2003) - action committed knowingly in order to obtain a conviction (applied to 2C:24-4, under §9:6-1, §9:6-8.21); civil provisions' definitions of "abused and neglected child" describes only the kind of harm to the child, not the mental state of the accused; statute is divisible, so court can look to the record of conviction CIMT: if the record of conviction fails to provide sufficient information to show under which subsection/statute this conviction rests, may claim statute overbroad and not a categorical match for CIMT; alternatively, may encourage the record to show conviction based on a subsection/statute that does not require "vicious motive or corrupt mind" or "reprehensible conduct" to avoid CIMT Child Abuse - conviction is a match for generic definition of child abuse crime only if includes (1) mens rea of at least criminal negligence, (2) an act/omission that qualifies as mistreatment, and (3) harms or has a particular likelihood to harm a minor's mental or physical well-being; any conviction under this statute meets the mens rea, so to argue this is not a crime of child abuse, must show the record of conviction demonstrates either (2) or (3) is missing; depends on record of conviction and the subsection/statute upon which the conviction rests
Endangering Welfare of a Child. Definitions	**2C:24-4(b)(1)**	Definition			
Endangering Welfare of a Child	**2C:24-4(b)(3)**	**PROBABLY**	**YES**	**YES**. Crime of Child Abuse	AF: BIA held CA statute was a match for AF of sexual assault of a minor (Matter of R-A-M-, 25 I&N Dec 657 (BIA 2012)); AF - federal definition for sexual exploitation of children, 18 U.S.C. §2251, and distribution 18 U.S.C. §2252; however, could attempt to apply Salmoran v. Att'y Gen., 909 F.3d 73 (3d Cir. 2018) and argue the NJ statute is broader than federal since includes "prohibited sexual acts" that wouldn't fall under federal definition such as "nudity, if depicted for the purpose of sexual stimulation or gratification of any person who may view such depiction" which is NOT included in the federal definition, hence making it overbroad

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
					CIMT: under Silva-Trevino test, is CIMT - meets mens rea (knowingly) and morally turpitudinous; both BIA in several cases (including Matter of R-A-M- and In re Olquin-Rufino) and 3d Cir. in Moreno v. Att'y Gen., 887 F.3d 160 (3d Cir. 2018) acknowledge crimes involving sexual exploitation of minors as CIMTs Child Abuse - In Matter of Velazquez-Herrera, 24 I&N Dec. 503 (BIA 2008) defines child abuse as "any offense involving an intentional, knowing, reckless, or criminally negligent act or omission that constitutes maltreatment of a child or that impairs a child's physical or mental well-being, including sexual abuse or exploitation…sexually explicit conduct; as well as any act that involves the use or exploitation of a child as an object of sexual gratification;" Matter of Olquin, 23 I&N Dec. 896 (BIA 2006) child pornography is "a permanent record of a child's abuse" and "the circulation of child pornography continues to harm the child's reputation and emotional well-being." conviction under this section for possession of child pornography qualifies as a crime of child abuse (Salmoran v. Att'y Gen., 909 F.3d 73 (3d Cir. 2018)); any act that harms the child - child pornography harms child because it is a permanent record of the depicted child's abuse
Endangering Welfare of a Child	**2C:24-4(b)(4)**	**PROBABLY**	**YES**	**YES**. Crime of Child Abuse	AF: federal definition for sexual exploitation of children, 18 U.S.C. §2251, and distribution 18 U.S.C. §2252; however, could attempt to apply Salmoran v. Att'y Gen., 909 F.3d 73 (3d Cir. 2018) and argue the NJ statute is broader than federal since includes "prohibited sexual acts" that wouldn't fall under federal definition such as "nudity, if depicted for the purpose of sexual stimulation or gratification of any person who may view such depiction" which is NOT included in the federal definition, hence making it overbroad CIMT: under Silva-Trevino test, is CIMT - meets mens rea (knowingly) and morally turpitudinous; both BIA in several cases (including Matter of R-A-M- and In re Olquin-Rufino) and 3d Cir. in Moreno v. Att'y Gen., 887 F.3d 160 (3d Cir. 2018) acknowledge crimes involving sexual exploitation of minors as CIMTs Child Abuse - In Matter of Velazquez-Herrera, 24 I&N Dec. 503 (BIA 2008) defines child abuse as "any offense involving an intentional, knowing, reckless, or criminally negligent act or omission that constitutes maltreatment of a child or that impairs a child's physical or mental well-being, including sexual abuse or exploitation…sexually explicit conduct; as well as any act that involves the use or exploitation of a child as an object of sexual gratification;" Matter of Olquin, 23 I&N Dec. 896 (BIA 2006) child pornography is "a permanent record of a child's abuse" and "the circulation of child pornography continues to harm the child's reputation and emotional well-being." conviction under this section for possession of child pornography qualifies as a crime of child abuse (Salmoran v. Att'y Gen., 909 F.3d 73 (3d Cir. 2018)); any act that harms the child - child pornography harms child because it is a permanent record of the depicted child's abuse
Endangering Welfare of a Child	**2C:24-4(b)(5)(a)**	**PROBABLY**	**PROBABLY**	**PROBABLY**. As long as proof it "harms or has a	AF: federal definition for distribution 18 U.S.C. §2252; however, could attempt to apply Salmoran v. Att'y Gen., 909 F.3d 73 (3d Cir. 2018) and argue the NJ

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
				particular likelihood to harm a minor's mental or physical well-being"	statute is broader than federal since includes "prohibited sexual acts" that wouldn't fall under federal definition such as "nudity, if depicted for the purpose of sexual stimulation or gratification of any person who may view such depiction" which is NOT included in the federal definition, hence making it overbroad CIMT: under Silva-Trevino test, is CIMT - meets mens rea (knowingly) and morally turpitudinous; both BIA in several cases (including Matter of R-A-M- and In re Olquin-Rufino) and 3d Cir. in Moreno v. Att'y Gen., 887 F.3d 160 (3d Cir. 2018) acknowledge crimes involving sexual exploitation of minors as CIMTs Child Abuse - In Matter of Velazquez-Herrera, 24 I&N Dec. 503 (BIA 2008) defines child abuse as "any offense involving an intentional, knowing, reckless, or criminally negligent act or omission that constitutes maltreatment of a child or that impairs a child's physical or mental well-being, including sexual abuse or exploitation…sexually explicit conduct; as well as any act that involves the use or exploitation of a child as an object of sexual gratification;" Matter of Olquin, 23 I&N Dec. 896 (BIA 2006) child pornography is "a permanent record of a child's abuse" and "the circulation of child pornography continues to harm the child's reputation and emotional well-being." conviction under this section for possession of child pornography qualifies as a crime of child abuse (Salmoran v. Att'y Gen., 909 F.3d 73 (3d Cir. 2018)); any act that harms the child - child pornography harms child because it is a permanent record of the depicted child's abuse
Endangering Welfare of a Child	**2C:24-4(b)(5)(b)**	**MIGHT** (prior ed.: likely No)	**PROBABLY**	**PROBABLY**. As long as proof it "harms or has a particular likelihood to harm a minor's mental or physical well-being"	AF: Salmoran v. Att'y Gen., 909 F.3d 73 (3d Cir. 2018) - court held statute overly broad as conduct included as "prohibited sexual act" that would not be criminalized under federal law 18 U.S.C. §2252; NJ statute punishes any nudity, far broader than the federal statute CIMT: under Silva-Trevino test, is CIMT - meets mens rea (knowingly) and morally turpitudinous; both BIA in several cases (including Matter of R-A-M- and In re Olquin-Rufino) and 3d Cir. in Moreno v. Att'y Gen., 887 F.3d 160 (3d Cir. 2018) acknowledge crimes involving sexual exploitation of minors as CIMTs Child Abuse - In Matter of Velazquez-Herrera, 24 I&N Dec. 503 (BIA 2008) defines child abuse as "any offense involving an intentional, knowing, reckless, or criminally negligent act or omission that constitutes maltreatment of a child or that impairs a child's physical or mental well-being, including sexual abuse or exploitation…sexually explicit conduct; as well as any act that involves the use or exploitation of a child as an object of sexual gratification;" Matter of Olquin, 23 I&N Dec. 896 (BIA 2006) child pornography is "a permanent record of a child's abuse" and "the circulation of child pornography continues to harm the child's reputation and emotional well-being." conviction under this section for possession of child pornography qualifies as a crime of child abuse (Salmoran v. Att'y Gen., 909 F.3d 73 (3d Cir. 2018)); any act that harms the child - child pornography harms child because it is a permanent record of the depicted child's abuse

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Endangering Welfare of a Child	**2C:24-4(b)(6)**	Definition - age of minor			
Endangering Welfare of a Child	**2C:24-4(b)(7)**	Explanation of aggregating the # of items for section (5) above			
Willful Nonsupport	**2C:24-5**	**PROBABLY NOT**	**MIGHT** (prior ed.: most likely no)	N/A	AF: no use of force or violence; no other categories of AF under which might fall CIMT: though mens rea of knowingly has been met, questionable if this conduct is seen as "morally reprehensible" so argue could be made it is NOT sufficient to meet CIMT
Unlawful Adoptions	**2C:24-6**	Rules			
Endangering Welfare of Incompetent Person	**2C:24-7**	**MIGHT** (prior ed.: most likely no)	**MIGHT** (prior ed.: most likely no, not long enough sentence)	**MIGHT**. If is violation of protective order	AF: no use of force or violence; no other categories of AF under which might fall CIMT: 11th Cir. held the least culpable conduct of a FL law where "knowingly or willfully abuses elderly person or disabled adult without causing great bodily harm…commits a felony of third degree" is a CIMT (Gelin v. Att'y Gen., 2016 WL 5219863 (11th Cir. 2016)); though here, the NJ law is acts in manner likely to be injurious to someone with disease or defect, same argument could be made that the least culpable conduct is reprehensible; also, meets mens rea of knowingly; however, term of imprisonment is less than one year, so therefore falls under exception For violation of protective order, judge must conduct two inquiries: (1) whether was convicted, and (2) whether State court found "engaged in conduct that violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury" Matter of Medina Jimenez, 27 I&N Dec. 399 (BIA 2018); so, if injury is against someone who is protected by order, could be a violation of protective order
Abandonment, Neglect of Elderly Person, Disabled Adult	**2C:24-8**	**PROBABLY NOT**	**PROBABLY**	N/A	AF: no use of force or violence; no other categories of AF under which might fall CIMT: 11th Cir. held the least culpable conduct of a FL law where "knowingly or willfully abuses elderly person or disabled adult without causing great bodily harm…commits a felony of third degree" is a CIMT (Gelin v. Att'y Gen., 2016 WL 5219863 (11th Cir. 2016)); though here, the NJ law is abandon or unreasonably neglect by a person with a legal duty to care, same argument could be made that the least culpable conduct is reprehensible; since no mens rea in this statute, use NJ gap-filler of knowingly
Use of 17-year-old or Younger to Commit Criminal Offense	**2C:24-9**	**PROBABLY NOT**	**MIGHT**	**MIGHT** (prior ed.: most likely no)	AF: no use of force or violence; most likely not an AF under fraud or other categories, even if the underlying crime is fraud, etc. since the actual conduct here is not an AF CIMT: meets mens rea of knowingly; could argue the least culpable conduct is an underlying crime that is not a CIMT and, thus, would not be "reprehensible

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
					conduct"; however, some may find the act of using a minor to commit a crime is itself reprehensible and thus would constitute a CIMT Other - if is analyzed under categorical analysis, then the statute itself would not implicate any other grounds of removability; however, if is modified categorical, court may see what the underlying crime is and may determine this implicates a prostitution, commercialized vice, CSO, or other ground

2C:25 – Domestic Violence

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Domestic Violence	**2C:25-17**	Short Title			
Domestic Violence	**2C:25-18**	Findings, Declarations			
Domestic Violence	**2C:25-19**	Definitions			
Domestic Violence	**2C:25-19(a)**			**YES**: Crime of Domestic Violence (CODV)	In Matter of H. Estrada, the BIA decided that a circumstance-specific approach would be used to determine the victim in domestic violence situations. 26 I&N Dec. 749 (BIA 2016). This means that a defendant who plea bargains to the underlying offense will still be deportable for a crime involving domestic violence because the BIA can look to the incident reports to determine who the victim was. CODV is defined as a crime of violence; must involve the active use of violent, physical force. Sessions v. Dimaya, 138 S. Ct. 1204 (U.S. 2018).
Domestic Violence	**2C:25-19(a)(1)**	**YES**	**YES**	**YES**: CODV	
Domestic Violence	**2C:25-19(a)(2)**	**PROBABLY**. If the crime involves the active use of violent, physical force and more than one year in prison	**PROBABLY**	**PROBABLY**: CODV if the crime involves the active use of violent, physical force	A crime involving moral turpitude can include recklessness when the defendant "consciously disregards a substantial risk of serious harm or death to another." Knapik v. Ashcroft, 385 F.3d 84 (3d Cir. 2004). A defendant in New Jersey acts recklessly when they "consciously disregard[] a substantial and unjustifiable risk that serious bodily injury will result from [their] conduct." N.J. CR. J.I. 2C:12-1(c)(3). So an assault conviction will likely be a crime involving moral turpitude. See Baptiste v. Att'y Gen., 841 F.3d 601 (3d Cir. 2016) (holding 2C:12-1(b)(1) is a CIMT); Salomon-Bajxac v. Att'y Gen., 558 F. App'x 160 (3d Cir. 2014)(holding that 2C:12-1(a)(1) was a CIMT); Andres v. Att'y Gen., 263 F. App'x 212 (3d Cir. 2008)(holding 2C:12-1(b)(7) is a CIMT). But see Partyka v. Att'y Gen., 417 F.3d 408 (3d Cir. 2005) (holding 2C:12-1(b)(5)(a) was not a CIMT).
Domestic Violence	**2C:25-19(a)(3)**	**PROBABLY**. If the crime involves the active use of violent, physical force and more than one year in prison	**MIGHT**	**PROBABLY**: CODV if the crime involves the active use of violent, physical force	The Third Circuit has held that a similar PA statute criminalizing making terroristic threats is a crime of violence AF. Bovkun v. Ashcroft, 283 F.3d 166 (3d Cir. 2002); Palmer v. Att'y Gen., 421 F. App'x 181 (3d Cir. 2011). See also Javier v. Att'y Gen., 826 F.3d 127 (3d Cir. 2016) (holding a PA terroristic threats statute was a CIMT); Solomon v. Att'y Gen., 308 F. App'x 644 (3d Cir. 2009) (holding a PA terroristic threats statute was a CIMT). The Third Circuit has held that 2C:12-3(a) was not a CIMT. Larios v. Att'y Gen., 978 F.3d 62 (3d Cir. 2020).
Domestic Violence	**2C:25-19(a)(4)**	**PROBABLY**	**PROBABLY**	**MIGHT** (prior ed.: likely not CODV)	
Domestic Violence	**2C:25-19(a)(5)**	**MIGHT** (prior ed.: likely no)	**PROBABLY**	**MIGHT** (prior ed.: likely not CODV)	The Third Circuit has upheld a removal order for 2C:13-3 as a crime involving moral turpitude. Juarez-Gonzalez v. Att'y Gen., 388 F. App'x 92 (3d Cir. 2010)
Domestic Violence	**2C:25-19(a)(6)**	**MIGHT** (prior ed.: likely	**MIGHT** (prior ed.: likely	**MIGHT** (prior ed.: likely	The Third Circuit has criticized the BIA's treatment of a disorderly persons

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
		no)	no)	not CODV)	offense as a conviction. Castillo v. Att'y Gen., 729 F.3d 296 (3d Cir. 2013). In Kwok Sum Wong, the court questioned whether a NJ DP is a conviction for immigration purposes and remanded for consideration. Kwok Sum Wong v. Barr, 818 F. App'x 44 (2d Cir. 2020).
Domestic Violence	**2C:25-19(a)(7)**	**PROBABLY**. If the crime involves the active use of violent, physical force and more than one year in prison	**PROBABLY**	**PROBABLY**: CODV if the crime involves the active use of violent, physical force	N.J. § 2C:14-2(b) matches the conduct in the federal definition of sexual abuse of a minor. See Restrepo v. Att'y Gen., 617 F.3d 787, 791 (3d Cir. 2010). N.J. § 2C:14-2(b) is likely a crime involving moral turpitude. See 2011 Immigr. Rep. LEXIS 12630 (A.A.O. Feb. 16, 2011); Dziwak v. Att'y Gen., 512 F. App'x 190, 191 (3d Cir. 2013).
Domestic Violence	**2C:25-19(a)(8)**	**PROBABLY**. If the crime involves the active use of violent, physical force and more than one year in prison	**PROBABLY**	**PROBABLY**: CODV if the crime involves the active use of violent, physical force	The Third Circuit has found 2C:14-3(b) to be an AF. Martinez v. Att'y Gen., 978 F.3d 860 (3d Cir. 2020).
Domestic Violence	**2C:25-19(a)(9)**	**MIGHT** (prior ed.: likely no)	**PROBABLY**	**MIGHT** (prior ed.: likely not CODV)	The Third Circuit has criticized the BIA's treatment of a disorderly persons offense as a conviction. Castillo v. Att'y Gen., 729 F.3d 296 (3d Cir. 2013). In Kwok Sum Wong, the court questioned whether a NJ DP is a conviction for immigration purposes and remanded for consideration. Kwok Sum Wong v. Barr, 818 F. App'x 44 (2d Cir. 2020). The Third Circuit upheld the BIA's decision that 2C:14-4 was a crime involving moral turpitude. Ferguson v. Att'y Gen., 216 F. App'x 217 (3d Cir. 2007).
Domestic Violence	**2C:25-19(a) (10)**	**MIGHT** (prior ed.: likely no)	**MIGHT**	**MIGHT** (prior ed.: likely not CODV)	In dicta, the Third Circuit has noted that criminal mischief is "nonturpitudinous." Tejwani v. Att'y Gen., 349 F. App'x 719 (3d Cir. 2009). In Larios v. Att'y Gen., the Third Circuit stated that 2C:17-3(a)(2) does not rise to the level of use of force described in 18 U.S.C. § 16. Larios v. Att'y Gen., 978 F.3d 62 (3d Cir. 2020).
Domestic Violence	**2C:25-19(a) (11)**	**PROBABLY**. If the crime involves the active use of violent, physical force and more than one year in prison	**MIGHT**	**PROBABLY**: CODV if the crime involves the active use of violent, physical force	The BIA has removed non-citizens for a conviction under 2C:18-2. Yakubov v. Att'y Gen., 586 F. App'x 86 (3d Cir. 2014).
Domestic Violence	**2C:25-19(a) (12)**	**MIGHT** (prior ed.: likely no)	**MIGHT**	**MIGHT** (prior ed.: likely not CODV)	
Domestic Violence	**2C:25-19(a) (13)**	**PROBABLY**. If the crime involves the active use of violent, physical force and more than one year in prison	**MIGHT**	**PROBABLY**: CODV if the crime involves the active use of violent, physical force	
Domestic Violence	**2C:25-19(a)**	**MIGHT** (prior ed.: likely	**MIGHT**	**MIGHT** (prior ed.: likely	Stalking is defined federally as an act that causes the victim to be in fear of

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
	(14)	no)		not CODV)	bodily harm. In Matter of Sanchez-Lopez, the BIA held that a CA stalking statute was overbroad because it included threats of non-physical harm. 27 I&N Dec. 256 (BIA 2018). Here, the NJ statute also includes non-physical harm.
Domestic Violence	**2C:25-19(a) (15)**	**PROBABLY**. If the crime involves the active use of violent, physical force and more than one year in prison	**MIGHT**	**PROBABLY**: CODV if the crime involves the active use of violent, physical force	
Domestic Violence	**2C:25-19(a) (16)**	**PROBABLY**	**PROBABLY**	**PROBABLY**: CODV	The BIA has removed non-citizens for convictions under 2C:15-1. Granados v. Att'y Gen., 677 F. App'x 813 (3d Cir. 2017)
Domestic Violence	**2C:25-19(a) (17)**	**MIGHT** (prior ed.: likely no)	**MIGHT**	**PROBABLY**: CODV	
Domestic Violence	**2C:25-19(a) (18)**	**PROBABLY**. If the crime involves the active use of violent, physical force and more than one year in prison	**PROBABLY**	**PROBABLY**: CODV if the crime involves the active use of violent, physical force	
Domestic Violence	**2C:25-19(a) (19)**	**PROBABLY**. If the crime involves the active use of violent, physical force and more than one year in prison	**MIGHT**	**PROBABLY**: CODV if the crime involves the active use of violent, physical force	
Domestic Violence	**2C:25-19(b)**	Definitions			
Domestic Violence	**2C:25-19(c)**	Definitions			
Domestic Violence	**2C:25-19(d)**	Definitions			
Domestic Violence	**2C:25-19(e)**	Definitions			
Domestic Violence	**2C:25-20**	Development of a Training Course; Curriculum			
Domestic Violence	**2C:25-21**	Arrest of alleged attacker; seizure of weapons, etc.			
Domestic Violence	**2C:25-21.1**	Rules, regulations concerning weapons prohibitions and domestic violence			
Domestic Violence	**2C:25-22**	Immunity from civil liability			
Domestic Violence	**2C:25-23**	Dissemination of notice to victim of domestic violence			
Domestic Violence	**2C:25-24**	Domestic violence offense reports			
Domestic Violence	**2C:25-25**	Criminal complaints; proceedings			

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Domestic Violence	**2C:25-26**	Release of defendant before trial; conditions			
Domestic Violence	**2C:25-26.1**	Notification of victim of release of defendant			
Domestic Violence	**2C:25-27**	Conditions of sentencing of defendant found guilty of domestic violence			
Domestic Violence	**2C:25-28**	Filing complaint alleging domestic violence in Family Part; proceeding			
Domestic Violence	**2C:25-28.1**	In-house restraining order prohibited			
Domestic Violence	**2C:25-29**	Hearing procedure; relief			
Domestic Violence	**2C:25-29.1**	Civil penalty for certain domestic violence offenders			
Domestic Violence	**2C:25-29.2**	Collection, distribution of civil penalties collected			
Domestic Violence	**2C:25-29.3**	Rules of Court			
Domestic Violence	**2C:29.4**	Surcharge for domestic violence offender to fund grants			
Domestic Violence	**2C:25-30**	Violations, penalties			
Domestic Violence	**2C:25-31**	Contempt, law enforcement procedures			
Domestic Violence	**2C:25-32**	Alleged contempt, complainant’s procedure			

2C:27 – Bribery and Corruption

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Bribery and Corrupt Influence	**2C:27-1**	This section provides definition for relevant words that are included in the various sections described in the chapter. There is a generic federal definition for Bribery of Public Officials described in 18 U.S.C. § 201. This statute involves a public official, which includes more than just persons employed by the Government but any other person acting for or on behalf of the United States. The Board of Immigration Appeals (BIA) has held that bribery is a crime involving moral turpitude, stating specifically that "the offense of bribery is a base and vile act… it involves the obstruction of lawful governmental functions by deceit, graft and trickery and dishonest means." In the Matter of H-----, 6 I&N Dec. 358 (BIA 1954). Aggravated Felony under INA § 101(a)(43) includes only bribery of a witness, if the term of imprisonment is at least one year and commercial bribery, if the term of imprisonment is at least one year. United States ex rel. Sollazzo v. Esperdy, 285 F.2d 341 (2d Cir. 1961), which is still good law, pretty much governs the whole statutory section and should be in the main discussion area.			
Bribery in Official and Political Matters	**2C:27-2(a)**	**MIGHT**. But likely no because it does not relate to commercial bribery or have an element of an intent to obstruct or interfere with justice.	**PROBABLY**		This statute is like the one at issue in Matter of Gruenangerl, 25 I&N Dec. 351 (2010) because it only refers to bribing a public official to influence public affairs, not commercial bribery. Therefore, it is likely not an aggravated felony. Regardless, keeping the sentence under one year will guarantee that it will not be an aggravated felony. It is still likely a CIMT.
Bribery in Official and Political Matters	**2C:27-2(b)**	**PROBABLY**. If terms of imprisonment is at least one year	**PROBABLY**		See Denis v. Att'y Gen., 633 F.3d 201 (2011). "Relating to" is a broad term for the obstruction of justice prong, so bribing an official for influence in a judicial proceeding may fall under it. Again, avoiding the one-year prison sentence will avoid the conviction of an aggravated felony.
Bribery in Official and Political Matters	**2C:27-2(c)**	**MIGHT** (prior ed.: likely no. It is not commercial bribery, and it does not categorically relate to obstruction of justice.)	**PROBABLY**		The court still applied the categorical approach to the crime at issue. Categorically, it is not a crime relating to obstruction of justice. It is still likely a CIMT as bribery. Denis v. Att'y Gen., 633 F.3d 201 (2011)
Bribery in Official and Political Matters	**2C:27-2(d)**	**MIGHT** (prior ed.: likely no for the same reasons as subsection (c).)	**PROBABLY**		CIMT: - bribery offenses have long been held to involve moral turpitude. See U.S. ex rel. Sollazzo v. Esperdy, 285 F.2d 341 (2d Cir. 1961).
Threats and Other Improper Influence in Official and Political Matters	**2C:27-3(a)(1)**	**MIGHT** (prior ed.: possibly No)	**PROBABLY**		AF: - crime of violence: 8 USCS § 1101(a)(43) (F) A crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) for which the term of imprisonment [is] at least one year; section 16 of title 18: The term "crime of violence" means--(a) an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another. - Argument against crime of violence AF: - 2C:27-3(a)(1) "threatened unlawful harm" is broader than than section 16 of title 18 because it includes loss and disadvantage not just attempted use, or threatened use of physical force against the person or property of another" in section 16 of title 18. 2C:27-3(a)(1) is not divisible. CIMT: Even threatening harm that is not physical in nature is likely to be considered a CIMT.
Retaliation for Past	**2C:27-5**	**MIGHT** (prior ed.: likely no. There is no element of	**MIGHT**		The fact that the official action is in the past means that it cannot interfere with a proceeding or have the intent of interfering with an ongoing proceeding.

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Official Action		interfering with justice or use of force)			
Unlawful Official Business Transaction Where Interest Is Involved	**2C:27-9**	**MIGHT**. If the crime involved the unlawful disposition of public property or services, it could be deemed a theft of said property or services; in which case, likely yes, if at least 1 year prison sentence is imposed (theft). Likely yes for fraud or deceit too, if the loss to the victim exceeds $10,000.00 and the record of conviction can establish fraud or deceit.	**MIGHT**		
Acceptance or Receipt of Unlawful Benefit by Public Servant for Official Behavior	**2C:27-10(a)**	**MIGHT**. If the crime involved the unlawful disposition of public property or services, it could be deemed a theft of said property or services; in which case, likely yes, if at least 1 year prison sentence is imposed (theft). Likely yes for fraud or deceit too, if the loss to the victim exceeds $10,000.00 and the record of conviction can establish fraud or deceit.	**PROBABLY**		AF: Nyakatura v. Att'y Gen., 256 F. App'x 461 (3d Cir. 2007): INA 8 U.S.C.S. § 1101(a)(43) includes the phrase "relating to" to broaden the scope of the statute beyond a strict construction of commercial bribery; bribery is an aggravated felony under 18 USCS § 666(a)(1)(B), which is similar to the crime described here but applies to organizations that receive federal funds. Nyakatura is not precedential and has been both relied upon and not. See Matter of Gruenangerl, 25 I&N Dec. 351 (BIA 2010) which seems to imply that unless the bribery is actually commercial, it is not categorically an AF and finds that the immigration judge's reliance upon it to be wrong. CIMT: Matter of H-, 6 I&N Dec. 358, 361 (BIA 1954); Sasonov vs. US, 575 F. Supp.2d 626 (NJ District Court, 2008): finding bribery to be a crime involving moral turpitude.
Acceptance or Receipt of Unlawful Benefit by Public Servant for Official Behavior	**2C:27-10(b)**	**MIGHT**. If the crime involved the unlawful disposition of public property or services, it could be deemed a theft of said property or services; in which case, likely yes, if at least 1 year prison sentence is imposed (theft). Likely yes for fraud or deceit too, if the loss to the victim exceeds $10,000.00 and the record of conviction can establish fraud or deceit.	**PROBABLY**		AF: Nyakatura v. Att'y Gen., 256 F. App'x 461 (3d Cir. 2007): INA 8 U.S.C.S. § 1101(a)(43) includes the phrase "relating to" to broaden the scope of the statute beyond a strict construction of commercial bribery; bribery is an aggravated felony under 18 USCS § 666(a)(1)(B), which is different than the crime described here but still similar but applies to organizations that receive federal funds CIMT: Matter of H-, 6 I&N Dec. 358, 361 (BIA 1954); Sasonov vs. US, 575 F. Supp.2d 626 (NJ District Court, 2008): finding bribery to be a crime involving moral turpitude.
Acceptance or	**2C:27-10(c)-**	Definition			

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Receipt of Unlawful Benefit by Public Servant for Official Behavior	**definition expanded**				
Acceptance or Receipt of Unlawful Benefit by Public Servant for Official Behavior	**2C:27-10(d)-exceptions**	Exceptions			
Acceptance or Receipt of Unlawful Benefit by Public Servant for Official Behavior	**2C:27-10(e)-grading**	Grading			
Offer of Unlawful Benefit to Public Servant for Official Behavior	**2C:27-11(a)**	**MIGHT** (prior ed.: likely no)	**PROBABLY**		Matter of Chrysanth George Gruenangerl, 25 I&N Dec. 351 (BIA 2010): The crime of bribery of a public official in violation of 18 U.S.C. § 201(b)(1) (A) is not an offense "relating to" commercial bribery and is therefore not an aggravated felony under section 101(a)(43)(R) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(43)(R). "While many acts of bribery may be ultimately motivated by a desire for pecuniary enrichment, as was apparently the case here, the essence of the offense is the corrupt intent to influence official action. Commercial bribery, however, focuses on influencing action in the private sector involving the breach of the duty of fidelity. See Woodley Road Joint Venture v. ITT Sheraton Corp., 369 F.3d 732, 737 n.4 (3d Cir. 2004)… Given the fundamental conceptual difference in purpose between bribery of a public official to influence official action and a private sector commercial bribery, we agree with the respondent that the offense defined in 18 U.S.C. § 201(b)(1)(A) is not one 'relating to' to commercial bribery."
Offer of Unlawful Benefit to Public Servant for Official Behavior	**2C:27-11(b)**	**MIGHT** (prior ed.: likely no)	**PROBABLY**		Matter of Chrysanth George Gruenangerl, 25 I&N Dec. 351 (BIA 2010): The crime of bribery of a public official in violation of 18 U.S.C. § 201(b)(1) (A) is not an offense "relating to" commercial bribery and is therefore not an aggravated felony under section 101(a)(43)(R) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(43)(R). "While many acts of bribery may be ultimately motivated by a desire for pecuniary enrichment, as was apparently the case here, the essence of the offense is the corrupt intent to influence official action. Commercial bribery, however, focuses on influencing action in the private sector involving the breach of the duty of fidelity. See Woodley Road Joint Venture v. ITT Sheraton Corp., 369 F.3d 732, 737 n.4 (3d Cir. 2004)… Given the fundamental conceptual difference in purpose between bribery of a public official to influence official action and a private sector commercial bribery, we agree with the respondent that the offense defined in 18 U.S.C. § 201(b)(1)(A) is not one 'relating to' to commercial bribery."

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
					CIMT: Matter of H-, 6 I&N Dec. 358, 361 (BIA 1954); Sasonov vs. US, 575 F. Supp.2d 626 (NJ District Court, 2008): finding bribery to be a crime involving moral turpitude.
Offer of Unlawful Benefit to Public Servant for Official Behavior	**2C:27-11(c)**	Definition Expanded			
Offer of Unlawful Benefit to Public Servant for Official Behavior	**2C:27-11(d)**	Exceptions			
Offer of Unlawful Benefit to Public Servant for Official Behavior	**2C:27-11(e)**	Grading			
Crime of Corruption of Public Resources; Grading	**2C:27-12(a)(1)**	**PROBABLY**. If at least 1 year prison sentence is imposed (theft). Likely yes for fraud or deceit too, if the loss to the victim exceeds $10,000.00 and the record of conviction can establish fraud or deceit.	**PROBABLY**. (theft)		
Crime of Corruption of Public Resources; Grading	**2C:27-12(a)(2)**	**PROBABLY**. If at least 1 year prison sentence is imposed (theft). Likely yes for fraud or deceit too, if the loss to the victim exceeds $10,000.00 and the record of conviction can establish fraud or deceit.	**PROBABLY**. (theft)		
Crime of Corruption of Public Resources; Grading	**2C:27-12(b)**	**PROBABLY**. For fraud or deceit, if the loss to the victim exceeds $10,000.00.	**PROBABLY**		Fraud surely is a CIMT. A materially false statement is a CIMT. Matter of Pinzon, 26 I&N Dec. 189 (BIA 2013). A false statement that the individual knows is not true, and that is made with the intent to mislead a public servant is a CIMT. Matter of Jurado, 24 I&N Dec. 29, 33 (BIA 2006).
Crime of Corruption of Public Resources; Grading	**2C:27-12(c)**	Definition			
Crime of Corruption of	**2C:27-12(d)-(g)**	Guidelines			

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Public Resources; Grading					

2C:28 – Perjury and Other Falsification

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Perjury	**2C:28-1**	**PROBABLY**. If a prison sentence of at least 1 year is imposed.	**PROBABLY**		NJ's definition of perjury is not an exact match to the federal definition of perjury under 18 U.S.C. § 1621. The federal definition contains the mens rea of "willfully", but it can also be interpreted to contain the alternative mens rea of "knowingly" for the same reason NJ's statute can be interpreted to contain a mens rea of "knowingly". The NJ statute does not set forth any specific requisite mens rea, but it can be interpreted to contain the mens rea of "knowingly" since the last part of the statute reads "does not believe it to be true", which the federal definition also contains. However, the BIA has ruled, "The generic definition of "perjury" in section 101(a)(43) (S) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(43)(S) (2012), requires that an offender make a material false statement knowingly or willfully while under oath or affirmation where an oath is authorized or required by law." Matter of Miguel Angel Alvarado, 26 I&N Dec. 895 (BIA 2016). You can argue the NJ statute has no mens rea and it is a strict liability statute, but that would be a hard argument to make since the statute reads "does not believe to be true", which "reckless" or "negligent" do not seem to be able to fit into and the jury instructions require a find of knowledge. However, New Jersey gap-filler statute, N.J.S.A. §2C:2-2(c)(3), which states a statute silent on mens rea and that is not strict liability requires knowledge. AF: Matter of Miguel Angel Alvarado, 26 I&N Dec. 895 (BIA 2016): interpreting perjury under a CA statute as qualifying as an aggravated felony under 8 U.S.C. § 1101(a)(43)(S). The CA statute is very similar to the NJ statute, except that the CA statute contains the requisite mens rea of "willfully". CIMT: In re Narinder Singh, 2007 WL 4711429 December 21, 2007: perjury is a CIMT. Additionally, a materially false statement necessarily involves the intent to deceive. Matter of Pinzon, 26 I&N Dec. 189 (BIA 2013).
False Swearing	**2C:28-2**	**MIGHT**	**PROBABLY**		AF: There is no materiality requisite here, so no perjury AF. CIMT: A false statement that the individual knows is not true, and that is made with the intent to mislead a public servant is a CIMT even though materiality is not an element of the offense. Matter of Jurado, 24 I&N Dec. 29, 33 (BIA 2006); Jurado-Delgado v. Att'y Gen., 498 F. App'x 107 (3d Cir. 2009)
Unsworn Falsification to Authorities	**2C:28-3(a)**	**MIGHT**	**PROBABLY**		AF: There is no materiality or oath-like requisites here, so no perjury AF. CIMT: A false statement that the individual knows is not true, and that is made with the intent to mislead a public servant is a CIMT even though materiality is not an element of the offense. Matter of Jurado, 24 I&N Dec. 29, 33 (BIA 2006); Jurado-Delgado v. Att'y Gen., 498 F. App'x 107 (3d Cir. 2009)
Unsworn Falsification to Authorities	**2C:28-3(b)**	**MIGHT** (prior ed.: likely No)	**PROBABLY**		AF: There is no materiality or oath-like requisites here, so no perjury AF. Also, this is a DP, so the obstruction of justice AF is not applicable. CIMT: A false statement that the individual knows is not true, and that is made with the intent to mislead a public servant is a CIMT even though materiality is not an element of the offense. Matter of Jurado, 24 I&N Dec. 29, 33 (BIA 2006); Jurado-Delgado v. Att'y Gen., 498 F. App'x 107 (3d Cir. 2009)

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
False Reports to Law Enforcement Authorities	**2C:28-4(a)**	**PROBABLY**. If the loss to the victim or victims exceeds $10,000.	**PROBABLY**		CIMT: A materially false statement necessarily involves the intent to deceive. Matter of Pinzon, 26 I&N Dec. 189 (BIA 2013). Additionally, A false statement that the individual knows is not true, and that is made with the intent to mislead a public servant is a CIMT even though materiality is not an element of the offense. Matter of Jurado, 24 I&N Dec. 29, 33 (BIA 2006). The same case held that a statement does not need to be under oath to qualify as a false statement CIMT.
Fictitious Reports	**2C:28-4(b)(1)**	**MIGHT**. If the loss to the victim or victims exceeds $10,000.	**PROBABLY**		
Fictitious Reports	**2C:28-4(b)(2)**	**MIGHT** (prior ed.: likely no, unless there is a defrauded victim who loses more than $10,000.)	**PROBABLY**		This does not require tampering with or destroying evidence, so it does not qualify as obstruction of justice.
Tampering with Witnesses and Informants; Retaliation Against Them	**2C:28-5(a)**				A generic federal definition for witness tampering can be found in 18 U.S.C. § 1512 - Tampering with a witness, victim, or an informant. Offenses related to obstruction of justice are deemed aggravated felony. These offenses include tampering with or retaliating against a witness, victim or informant.
Tampering with Witnesses and Informants; Retaliation Against Them	**2C:28-5(a)(1)**	**PROBABLY**. If the term of imprisonment is at least one year.	**PROBABLY**		An aggravated felony conviction can be avoided here by getting a sentence of less than 1 year under any of these subsections. They are all still likely CIMTs under Matter of Jurado-Delgado, 24 I&N Dec. 29 (2006).
Tampering with Witnesses and Informants; Retaliation Against Them	**2C:28-5(a)(2)**	**PROBABLY**. If the term of imprisonment is at least one year.	**PROBABLY**		
Tampering with Witnesses and Informants; Retaliation Against Them	**2C:28-5(a)(3)**	**PROBABLY**. If the term of imprisonment is at least one year.	**PROBABLY**		
Tampering with Witnesses and Informants; Retaliation Against Them	**2C:28-5(a)(4)**	**PROBABLY**. If the term of imprisonment is at least one year.	**PROBABLY**		
Tampering with Witnesses and	**2C:28-5(a)(5)**	**PROBABLY**. If the term of imprisonment is at least	**PROBABLY**		

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Informants; Retaliation Against Them		one year.			
Tampering with Witnesses and Informants; Retaliation Against Them	**2C:28-5(b)**	**MIGHT**. If it is second degree, and the sentence is at least one year, then yes (crime of violence). Otherwise, likely no.	**PROBABLY**		This statute is divisible because of the two grades of offense, so the record of conviction will be available for review. Still, avoiding a sentence of 1 year will avoid the aggravated felony conviction. It is likely not related to obstruction of justice because it is in relation to a past role as a witness or informant in a case, not a current one. It is also not a categorical match to the federal witness retaliation statute, as the federal statute requires inflicting or threatening bodily harm or damage to tangible property. This statute could reach harassment and psychological harm, which is not encompassed by 18 U.S.C. § 1513. It is still likely a CIMT.
Tampering with Witnesses and Informants; Retaliation Against Them	**2C:28-5(c)**	**MIGHT**. If the term of imprisonment is at least 1 year.	**PROBABLY**		This is arguably related to bribery of a witness or perjury. If the term of imprisonment is less than 1 year, it will not count as an aggravated felony for immigration purposes. It is still likely a CIMT.
Tampering with Witnesses and Informants; Retaliation Against Them	**2C:28-5(d)**	**YES**. If the term of imprisonment is at least one year.	**PROBABLY**		
Tampering with Witnesses and Informants; Retaliation Against Them	**2C:28-5.1**	Witness, victim protective orders			
Tampering with Witnesses and Informants; Retaliation Against Them	**2C:28-5.2**	Penalties for violations			
Tampering with Witnesses and Informants; Retaliation Against Them	**2C:28-5.3**	Moving parties			
Tampering with Witnesses and Informants; Retaliation Against Them	**2C:28-5.4**	Standard for issuance			

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Tampering with Witnesses and Informants; Retaliation Against Them	**2C:28-5.5**	No interference with defense preparation			
Tampering with or Fabricating Physical Evidence	**2C:28-6**	**PROBABLY**. If a prison sentence of at least 1 year is imposed	**PROBABLY**		18 U.S.C. § 1519 makes it a federal offense to tamper with evidence when one "alters, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter. ." This offense can also be considered obstruction of justice and therefore an aggravated felony. AF: Denis v. Att'y Gen., 633 F.3d 201 (3d Cir. 2011): alien's New York conviction for tampering with physical evidence constituted an AF; The NY statute is very similar to this statute. CIMT: With regard to subsection 2, the logic and ruling in Matter of Jurado would likely apply. With regard to subsection 1, the logic and ruling in In re Benito Roman Barrera a/k/a Jesus Barrera a/k/a Jesus Roman Barerra would likely apply.
Tampering with or Fabricating Physical Evidence	**2C:28-6(1)**	**PROBABLY**. If a prison sentence of at least 1 year is imposed	**PROBABLY**		In Denis v. Att'y Gen., 633 F.3d 201 (3rd cir. 2011), a similar NY statute was at issue, and it was found to be a categorical aggravated felony. A sentence of less than 1 year will avoid this. It is still likely a CIMT when following the logic of Matter of Jurado.
Tampering with or Fabricating Physical Evidence	**2C:28-6(2)**	**PROBABLY**. If a prison sentence of at least 1 year is imposed	**PROBABLY**		In Denis v. Att'y Gen., 633 F.3d 201 (3rd cir. 2011), a similar NY statute was at issue, and it was found to be a categorical aggravated felony. A sentence of less than 1 year will avoid this. It is still likely a CIMT when following the logic of Matter of Jurado.
Tampering with Public Records or Information	**2C:28-7**				The presence of a grading provision makes this statute divisible, so the record of conviction will be fair game in removal proceedings. In Valansi v. Ashcroft, 278 F.3d (3d Cir. 2002), there was a similar provision where intent could be injure or defraud. Since this element is not divisible, the statute does not necessarily involve an intent to defraud even for the enhanced grading. In any case, a sentence of less than 1 year will prevent an AF conviction.
Tampering with Public Records or Information	**2C:28-7(a)(1)**	**PROBABLY**	**PROBABLY**		
Tampering with Public Records or Information	**2C:28-7(a)(2)**	**MIGHT** (prior ed.: likely no.)	**PROBABLY**		
Tampering with Public Records or Information	**2C:28-7(a)(3)**	**MIGHT** (prior ed.: likely no.)	**PROBABLY**		The jury instructions show that this is indivisible, so even though removing such a record might constitute theft, removal is not necessary for a conviction.

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Tampering with Public Records or Information	**2C:28-7(b)**	Grading			
Tampering with Public Records or Information	**2C:28-7(c)**	**MIGHT**. If the violation was removal and a term of imprisonment of at least 1 year is imposed. Otherwise, likely no.	**PROBABLY**		This statute is divisible according to jury instructions, so the record of conviction will be accessible. Removal could be considered theft, so a term of imprisonment of 1 year or more would meet the AF threshold. There is no specific intent to interfere with a current or future legal proceeding, so it does not meet the standard of obstruction of justice under Matter of Valenzuela-Gallardo, 27 I&N 449 (BIA 2018).
Impersonating a Public Servant or Law Enforcement Officer	**2C:28-8(a)**	**PROBABLY**. If the loss to any deceived victim(s) is more than $10,000. Otherwise no.	**PROBABLY**. If it involves the intent to steal or defraud		As a disorderly persons offense, the maximum sentence is 6 months, so it will not meet the one-year threshold for the other possible AF grounds. The element of deceit is still present, so it is likely a CIMT. In admissibility proceedings, it might qualify for a petty offense exception.

2C:29 – Obstructing, Escape, Contempt, etc.

Chapter note: Obstruction-of-justice AFs (§ 101(a)(43)(S)) require a sentence of 1 year or more. On flight from police, *Ndungu v. Att'y Gen.*, 126 F.4th 150 (3d Cir. 2025) (Pennsylvania statute) held that a felony grading factor reaching reckless flight in a good-faith medical emergency was not categorically a CIMT, and that the BIA may not use realistic-probability reasoning to create a categorical match. *Ndungu* also held that DHS may rely on an old conviction that was part of an earlier unsuccessful charge once it is combined with a new conviction. The New Jersey eluding statute (2C:29-2(b)) has different elements; see the entry.

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Obstructing Administration of Law or Other Governmental Function	**2C:29-1(a)**	**PROBABLY**. If terms of imprisonment is at least one year	**PROBABLY**		AF: 8 USCS § 1101(a)(43): an offense relating to obstruction of justice, perjury or subornation of perjury, or bribery of a witness, for which the term of imprisonment is at least one year A precedential decision in Matter of Valenzuela Gallardo, 27 I&N Dec. 449, 460 (BIA 2018) held that the phrase "offense relating to obstruction of justice" in section 101(a)(43)(S) encompasses offenses covered by chapter 73 of the Federal criminal code or any other Federal or State offense that involves: (1) an affirmative and intentional attempt; (2) that is motivated by a specific intent; (3) to interfere either in an investigation or proceeding that is ongoing, pending, or reasonably foreseeable by the defendant, or in another's punishment resulting from a completed proceeding. 2018 Immig. Rptr. LEXIS 9219, *4. The holding can be applied retroactively. Matter of Cordero-Garcia, 27 I&N Dec. 652 (BIA 2019). Under Denis v. Att'y Gen., the Third Circuit determines whether a state statute is a match to the federal obstruction of justice statutes by looking for a "logical or causal connection" between the statutes. 633 F.3d 201 (3d Cir. 2011). CIMT: mens rea is purposely and includes specific attempt to obstruct; The intent to impair or obstruct governmental functions, standing alone, was not morally turpitudinous under the BIA decisions, the obstruction must occur by deceit, graft, trickery, or dishonest means; [5]-Section 5101 plainly swept in conduct which did not involve fraudulent or deceptive efforts to hinder government action; [6]-The government admitted that § 5101 could not categorically be a crime involving moral turpitude under the Matter of Flores and the Matter of Jurado-Delgado decisions. Ildefonso-Candelario v. Att'y Gen., 866 F.3d 102, 103 (3d Cir. 2017) "where such interference with the exercise of official functions is coupled with intentional dishonesty, trickery, or graft, we have consistently held that such conduct involves moral turpitude." See Matter of Jurado-Delgado, 24 I&N Dec. 29, 34-35 (BIA 2006) .2018 Immig. Rptr. LEXIS 7433, *8-9
Obstructing Administration of Law or Other Governmental Function	**2C:29-1(b)**	**MIGHT**. If terms of imprisonment is at least one year and meets Matter of Valenzuela Gallardo three prongs	**PROBABLY**. Due to NJ Gap-Filler statute on mens Rea		AF: 8 USCS § 1101(a)(43) (S): an offense relating to obstruction of justice, perjury or subornation of perjury, or bribery of a witness, for which the term of imprisonment is at least one year A precedential decision in Matter of Valenzuela Gallardo, 27 I&N Dec. 449, 460 (BIA 2018) held that the phrase "offense relating to obstruction of justice" in section 101(a)(43)(S) encompasses offenses covered by chapter 73 of the Federal criminal code or any other Federal or State offense that involves: (1) an

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
					affirmative and intentional attempt; (2) that is motivated by a specific intent; (3) to interfere either in an investigation or proceeding that is ongoing, pending, or reasonably foreseeable by the defendant, or in another's punishment resulting from a completed proceeding. 2018 Immig. Rptr. LEXIS 9219, *4. The holding can be applied retroactively. Matter of Cordero-Garcia, 27 I&N Dec. 652 (BIA 2019). Under Denis v. Att'y Gen., the Third Circuit determines whether a state statute is a match to the federal obstruction of justice statutes by looking for a "logical or causal connection" between the statutes. 633 F.3d 201 (3d Cir. 2011). New Jersey gap-filler, N.J.S.A. §2C:2-2(c)(3), which states a statute silent on mens rea and that is not strict liability requires knowledge Can argue not a categorical match because 2C:29-1(b) is broader than 8 USCS § 1101(a)(43) (S) sweeps in conduct that could be intentional or unintentional, nor does it include a motive of specific intent - There is no specified mens rea in 2C: 29-1(b). However, New Jersey gap-filler, N.J.S.A. §2C:2-2(c)(3), which states a statute silent on mens rea and that is not strict liability requires knowledge. CIMT: obstruct governmental functions, standing alone, is not morally turpitudinous under the BIA decisions, to be a CIMT the obstruction must occur by deceit, graft, trickery, or dishonest means; if the statute sweeps in conduct which does not involve fraudulent or deceptive efforts to hinder government action it is not categorically a CIMT under the Matter of Flores and the Matter of Jurado-Delgado decisions. Ildefonso-Candelario v. Att'y Gen., 866 F.3d 102, 103 (3d Cir. 2017)
Resisting Arrest, Eluding Officer	**2C:29-2(a)(1)**	**MIGHT** (prior ed.: likely No)	**MIGHT** (prior ed.: likely No)		AF: Disorderly persons offenses are punishable by only up to six months in jail CIMT: Likely No - Overbroad - not divisible - the conduct could be passive or could include a risk of bodily injury. See 2018 Immig. Rptr. LEXIS 9512, *20; if CIMT Petty Offense Exception would apply
Resisting Arrest, Eluding Officer	**2C:29-2(a)(2)**	**PROBABLY**. If terms of imprisonment is at least one year ((a)(43) (S)) or if attempt (a)(43) (U)	**MIGHT** (prior ed.: likely No)		AF: 8 USCS § 1101(a)(43) (S) an offense relating to obstruction of justice, perjury or subornation of perjury, or bribery of a witness, for which the term of imprisonment is at least one year; See Precedential decision in Matter of Valenzuela Gallardo, 27 I&N Dec. 449, 460 (BIA 2018) -8 USCS § 1101(a)(43) (U) an attempt or conspiracy to commit an obstruction of justice; See, 2015 Immig. Rptr. LEXIS 10564, *3 CIMT: The BIA has held that breaking out of prison, a crime also involving fleeing from law enforcement, has been held not to be a crime involving moral turpitude. Matter of B-, 5 I&N Dec. 538 (BIA 1953); Matter of J-, 4 I&N Dec. 512 (BIA 1951). 2012 Immig. Rptr. LEXIS 14025, *9
Resisting Arrest, Eluding Officer	**2C:29-2(a)(3)(a)**	**PROBABLY**. If terms of imprisonment is at least one year	**PROBABLY**		AF: USCS § 1101(a)(43) (F) A crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) for which the term of imprisonment [is] at least one year; 8 USCS § 1101(a)(43) (S) an offense relating to obstruction of justice, perjury or subornation of perjury, or bribery of a witness, for which the term of imprisonment is at least one year; See Precedential decision in Matter of Valenzuela Gallardo, 27 I&N

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
					Dec. 449, 460 (BIA 2018) CIMT: Offenses in which bodily harm is caused or threatened by an intentional act or serious bodily harm is caused or threatened by a reckless act (e.g., murder, rape, some manslaughter/assault offenses) - Assault on a law enforcement officer has been found to be a crime involving moral turpitude where the perpetrator knows the victim to be a law enforcement officer performing his official duty and the assault results in bodily injury to the officer. See Matter of Danesh, 19 I&N Dec. 669 (BIA 1988) 2011 Immig. Rptr. LEXIS 14507, *7 - The infliction of bodily harm upon a peace officer, is considered an aggravating circumstance. Matter of Danesh, 19 I&N Dec. 669 (BIA 1988) (aggravated assault against a peace officer).2018 Immig. Rptr. LEXIS 8659, *5 The BIA has held that the intentional transmission of threats is evidence of a vicious motive or a corrupt mind, and a crime encompassing such conduct may involve moral turpitude. See Matter of Ajami, 22 I&N Dec. 949, 952 (BIA 1999) 2012 Immig. Rptr. LEXIS 14047, *13
Resisting Arrest, Eluding Officer	**2C:29-2(a)(3)(b)**	**PROBABLY**. If terms of imprisonment is at least one year	**PROBABLY**		Note: It is not a defense to a prosecution under this subsection that the law enforcement officer was acting unlawfully in making the arrest, provided he was acting under color of his official authority and provided the law enforcement officer announces his intention to arrest prior to the resistance AF: 8 USCS § 1101(a)(43) (F) A crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) for which the term of imprisonment [is] at least one year; 8 USCS § 1101(a)(43) (S) an offense relating to obstruction of justice, perjury or subornation of perjury, or bribery of a witness, for which the term of imprisonment is at least one year; See Precedential decision in Matter of Valenzuela Gallardo, 27 I&N Dec. 449, 460 (BIA 2018)
Resisting Arrest, Eluding Officer	**2C:29-2(b)**	**PROBABLY**. If terms of imprisonment is at least one year ((a)(43) (S)) or if attempt (a)(43) (U)	**MIGHT**. Purposeful flight plus the risk-of-injury aggravator creates real CIMT risk; *Ndungu* supplies the principal argument against it (see Comments).		**UPDATE (2026):** *Ndungu v. Att'y Gen.*, 126 F.4th 150 (3d Cir. 2025) (Pennsylvania felony fleeing or eluding, 75 Pa. C.S. § 3733(a.2)(2)(iii)), held the high-speed-chase endangerment variant not categorically a CIMT because it reaches reckless flight undertaken in a good-faith effort to obtain emergency medical care, which is not reprehensible; and held that the BIA may not rely on "realistic probability" to create a categorical match where the elements do not match. The New Jersey offense differs in its elements (purposeful flight; second degree where the flight creates a risk of death or injury, with a permissive inference from certain motor-vehicle violations), so *Ndungu* is an argument, not a holding, for 2C:29-2(b). Conservative advice: treat as a possible CIMT and, where 1 year or more is imposed, a possible obstruction-of-justice AF. **Tips:** Prefer the third-degree variant without the risk-of-injury finding, keep the factual basis free of facts about endangering others, and keep the sentence to 364 days or less. There shall be a permissive inference that the flight or attempt to elude creates a risk of death or injury to any person if the person's conduct involves a

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
					violation of chapter 4 of Title 39 or chapter 7 of Title 12 of the Revised Statutes; 8 USCS § 1101(a)(43) (U) an attempt or conspiracy to commit an obstruction of justice.; See, 2015 Immig. Rptr. LEXIS 10564, *3 AF: 8 USCS § 1101(a)(43) (S) an offense relating to obstruction of justice, perjury or subornation of perjury, or bribery of a witness, for which the term of imprisonment is at least one year; see Precedential decision in Matter of Valenzuela Gallardo, 27 I&N Dec. 449, 460 (BIA 2018); 2016 Immig. Rptr. LEXIS 4120: crime of violence CIMT: N.J.S.A. § 2C:29-2b is overbroad and categorically not a crime involving moral turpitude because the least culpable conduct sufficient to sustain a conviction is merely fleeing or attempting to elude law enforcement without the knowing, willful or even reckless creation of a risk of injury or death. 2012 Immig. Rptr. LEXIS 14025, *9
Resisting Arrest, Eluding Officer	**2C:29-2(b)**	Crime of the third degree; except if the flight or attempt to elude creates a risk of death or injury to any person than it is a crime of the second degree.			
Hindering Apprehension or Prosecution	**2C:29-3(a)**	**PROBABLY**. If terms of imprisonment is at least one year	**PROBABLY**		AF: 8 USCS § 1101(a)(43) (S) an offense relating to obstruction of justice, perjury or subornation of perjury, or bribery of a witness, for which the term of imprisonment is at least one year; see Precedential decision in Matter of Valenzuela Gallardo, 27 I&N Dec. 449, 460 (BIA 2018) Under Denis v. Att'y Gen., the Third Circuit determines whether a state statute is a match to the federal obstruction of justice statutes by looking for a "logical or causal connection" between the statutes. 633 F.3d 201 (3d Cir. 2011). CIMT: mens rea is purposely and includes specific attempt to hinder government action; See Matter of Jurado-Delgado, 24 I&N Dec. 29, 34-35 (BIA 2006) .2018 Immig. Rptr. LEXIS 7433, *8-9; Must involve fraudulent or deceptive efforts to hinder government action to categorically be a CIMT under the Matter of Flores and the Matter of Jurado-Delgado decisions. Ildefonso-Candelario v. Att'y Gen., 866 F.3d 102, 103 (3d Cir. 2017) See Davtian v. Att'y Gen., 816 F. App'x 693 (3d Cir. 2020) (DHS found hindering prosecution to be a crime involving moral turpitude)
Hindering Apprehension or Prosecution	**2C:29-3(a)**	An offense under paragraph (5) of subsection a. of this section is a crime of the second degree, unless the actor is a spouse, domestic partner, partner in a civil union, parent or child to the person aided who is the victim of the offense, in which case the offense is a crime of the fourth degree. Otherwise, the offense is a crime of the third degree if the conduct which the actor knows has been charged or is liable to be charged against the person aided would constitute a crime of the second degree or greater, unless the actor is a spouse, domestic partner, partner in a civil union, parent or child of the person aided, in which case the offense is a crime of the fourth degree. The offense is a crime of the fourth degree if such conduct would constitute a crime of the third degree. Otherwise it is a disorderly persons offense.			
Hindering Apprehension or Prosecution	**2C:29-3(b)**	**PROBABLY**. If terms of imprisonment is at least one year	**PROBABLY**		AF: 8 USCS § 1101(a)(43) (S) an offense relating to obstruction of justice, perjury or subornation of perjury, or bribery of a witness, for which the term of imprisonment is at least one year; see Precedential decision in Matter of Valenzuela Gallardo, 27 I&N Dec. 449, 460 (BIA 2018) Under Denis v. Att'y Gen., the Third Circuit determines whether a state statute is a match to the federal obstruction of justice statutes by looking for a "logical or causal connection" between the statutes. 633 F.3d 201 (3d Cir. 2011).

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
					CIMT: mens rea is purposely and includes specific attempt to hinder government action; See Matter of Jurado-Delgado, 24 I&N Dec. 29, 34-35 (BIA 2006) .2018 Immig. Rptr. LEXIS 7433, *8-9; Must involve fraudulent or deceptive efforts to hinder government action to categorically be a CIMT under the Matter of Flores and the Matter of Jurado-Delgado decisions. Ildefonso-Candelario v. Att'y Gen., 866 F.3d 102, 103 (3d Cir. 2017) See Davtian v. Att'y Gen., 816 F. App'x 693 (3d Cir. 2020) (DHS found hindering prosecution to be a crime involving moral turpitude)
Hindering Apprehension or Prosecution	**2C:29-3(b)**	Grading			
Hindering Apprehension or Prosecution	**2C:29-4**	**MIGHT**. Under the logic of Matter of Valenzuela-Gallardo if the term of imprisonment imposed is at least 1 year.	**MIGHT**. If knowingly, yes		The BIA has said that offenses in 18 U.S.C. §§ 1501-0521 qualify as obstruction of justice, and this statute closely matches § 1510(a). Avoiding a sentence of 1 year will prevent the crime from being an AF. It is still likely a CIMT because it involves bribery.
Escape	**2C:29-5**	"Official detention" means arrest, detention in any facility for custody of persons under charge or conviction of a crime or offense, or committed pursuant to chapter 4 of this Title, or alleged or found to be delinquent, detention for extradition or deportation, or any other detention for law enforcement purposes; but "official detention" does not include supervision of probation or parole, or constraint incidental to release on bail.			
Escape	**2C:29-5(a)**	**MIGHT**. If second degree, yes if a 1-year or more sentence is imposed. If third degree, likely no.	**PROBABLY**		Sessions v. Dimaya, 138 S. Ct. 1204 (2018) said that the definition of "crime of violence" under the second prong (the crime that presents a risk of use of force by its nature) was unconstitutionally vague. Cases decided prior to 2018 determining that escape was a crime of violence because of the possibility that force may be used at any time until the prisoner is apprehended again are no longer good law because of this decision. The statute is divisible under the grading provision, which creates the element of use of force. This means that the record of conviction will be accessible in removal proceedings, and if the conviction is for a second-degree crime, then there is an element of use of force. It is also still probably a CIMT.
Absconding from Parole	**2C:29-5(b)**	**MIGHT** (prior ed.: likely no for the same reasons as 29-5(a).)	**PROBABLY**		
Permitting or Facilitating Escape	**2C:29-5(c)**	**YES**. If second degree and a one-year sentence is imposed, otherwise likely no.	**PROBABLY**		A conviction under this statute is highly unlikely to be relevant in removal proceedings because being a U.S. citizen is one of the qualifications of correction officer in the state of New Jersey.
Escape	**2C:29-5(e)**	Grading			
Escape Implements	**2C:29-6(a)(1)**	**MIGHT** (prior ed.: likely no. There is no element of use of force, and the fact that the object can be a	**PROBABLY**		

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
		weapon does not necessarily mean it is a firearm.)			
Escape Implements	**2C:29-6(a)(2)**	**MIGHT** (prior ed.: likely no for the same reasons as above.)	**MIGHT** (prior ed.: possibly no)		This statute criminalizes mere possession of the items, not actually using them. This is analogous to possession of burglary tools, which is not a CIMT. Matter of Serna, 20 I&N 579 (BIA 1992). Even the second degree offense would not qualify as a firearm offense because the weapon is not necessarily a firearm under the statutory definition.
Escape Implements	**2C:29-6(b)**	**MIGHT** (prior ed.: likely no)	**MIGHT** (prior ed.: possibly no)		Such contraband could include a quantity of an allowable item in excess of the allowed amount, like a large bag of candy. This would likely not count as a CIMT.
Bail Jumping; Default in Required Appearance	**2C:29-7**	Note: This section does not apply to obligations to appear incident to release under suspended sentence or on probation or parole. Nothing herein shall interfere with or prevent the exercise by any court of this State of its power to punish for contempt.			
Bail Jumping; Default in Required Appearance	**2C:29-7**	**PROBABLY**. (Only Third degree offense)	**MIGHT** (prior ed.: likely no)		AF: 101(a)(43)(T) Requires that a prison sentence of 2 years or more may be imposed bail jumping constitutes an aggravated felony under section 101(a)(43)(T). In re Javier Rodriguez Cortes, 2017 Immig. Rptr. LEXIS 15510, *5101(a)(43)(Q); if the conviction establishes that defendant failed to appear for service of a sentence where the underlying offense is punishable by imprisonment for a term of 5 years or more. Tip for immigration lawyers: Argue offense is not categorically a "bail-jumping" AF under INA 101(1)(43)(T) because the conviction might have been for failure to appear to serve a sentence, see People v. Halm, 256 AD2d 630, 630 (3d Dept. 1998) ("defendant was served by County Court with a notice to surrender… to commence service of his sentence. Defendant, however, failed to appeared was charged with bail jumping in the second degree"), and such an offense must be analyzed under INA 101(1) (43)(Q) and is not categorically a "bail-jumping" AF under that paragraph unless the underlying offense is punishable by imprisonment for a term of 5 years or more. By potentially encompassing two separate aggravated felonies, it is categorically overbroad for each one individually.
Corrupting or Influencing a Jury	**2C:29-8**	**PROBABLY**. If term of imprisonment is at least one year	**PROBABLY**		AF: 8 USCS § 1101(a)(43) (S) an offense relating to obstruction of justice, perjury or subornation of perjury, or bribery of a witness, for which the term of imprisonment is at least one year; See Precedential decision in Matter of Valenzuela Gallardo, 27 I&N Dec. 449, 460 (BIA 2018) CIMT: The intent here is to interfere with the administration of justice, which is likely a CIMT.
Corrupting or Influencing a Jury	**2C:29-8.1(a)**				This will not come up in removal proceedings because being a U.S. citizen is a requirement for jury service.
Corrupting or	**2C:29-8.1(b)**	**MIGHT** (prior ed.: likely	**MIGHT** (prior ed.: likely		There is no specific intent to interfere with the administration of justice.

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Influencing a Jury		no)	no)		
Contempt	**2C:29-9**	**PROBABLY NOT**. Unless term of imprisonment imposed is one year, in which case might be "obstruction of justice" AF.	**MIGHT**	**MIGHT**. (see notes)	AF: 8 USCS § 1101(a)(43) (S) an offense relating to obstruction of justice, perjury or subornation of perjury, or bribery of a witness, for which the term of imprisonment is at least one year; See Precedential decision in Matter of Valenzuela Gallardo, 27 I&N Dec. 449, 460 (BIA 2018) CIMT: has mens rea, depends on the conduct CODV: If conviction is for subsection (a), will trigger deportability under CODV-related clause regarding "disobeys a protective order" if an order of protection was issued for the purpose of preventing domestic violence and the state court determines that the defendant engaged in conduct that violates the portion of the order that involves protection against credible threats of violence, repeated harassment, or bodily injury. See Matter of Obshatko, 27 I&N Dec. 173 (BIA 2017).
Contempt	**2C:29-9(a)**	**MIGHT**. If convicted of hindering, obstructing, or impeding the law, then likely yes if the term of imprisonment is 1 year or more.	**PROBABLY**		This statute is divisible, so depending on what the defendant was convicted of, it may be an AF.
Contempt	**2C:29-9(b)(1)**	**MIGHT** (prior ed.: likely no)	**MIGHT**	**PROBABLY**: A violation of protective order (8 U.S.C. § 1227(a)(2)(E)(ii))	
Contempt	**2C:29-9(b)(2)**	**MIGHT** (prior ed.: likely no)	**MIGHT**	**PROBABLY**: A violation of protective order (8 U.S.C. § 1227(a)(2)(E)(ii))	
Contempt	**2C:29-9(c)**	**MIGHT** (prior ed.: likely no)	**MIGHT**	**PROBABLY NOT**: Not a crime of stalking by itself, but the underlying crime of stalking is independent grounds for removal under 8 U.S.C. § 1227(a)(2)(E)(i).	
Contempt	**2C:29-9(d)(1)**	**MIGHT** (prior ed.: likely no)	**MIGHT**		This relates to orders protecting survivors of sexual assault, so the underlying crime would likely be independent grounds for removal.
Contempt	**2C:29-9(d)(2)**	**MIGHT** (prior ed.: likely no)	**MIGHT**		
Contempt	**2C:29-9(e)**	**MIGHT** (prior ed.: likely no)	**MIGHT**	This kind of protective order does not require an	

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
				underlying offense, just the risk of danger. It is likely not a firearms offense.	
Electronic Communication Devices within Correctional or Detention Facilities	**2C:29-10**	**MIGHT** (prior ed.: likely no)	**MIGHT** (prior ed.: likely no)		No BIA, AAO/AAU, 3rd circuit or New Jersey cases about refusal.
Electronic Communication Devices within Correctional or Detention Facilities	**2C:29-10(b)**	**MIGHT** (prior ed.: likely no)	**MIGHT** (prior ed.: likely no)		The lowest possible conduct is possessing a cell phone battery or charger, so it is highly unlikely to be a CIMT.
Electronic Communication Devices within Correctional or Detention Facilities	**2C:29-10(c)**	**MIGHT** (prior ed.: likely no)	**MIGHT** (prior ed.: likely no)		This is a rare statute, but the likelihood of finding inherent depravity in giving a prisoner a cell phone is low.
Electronic Communication Devices within Correctional or Detention Facilities	**2C:29-10(d)**	**MIGHT** (prior ed.: likely no)	**MIGHT**		This is highly unlikely to come up in removal proceedings, as correctional officers must be U.S. citizens.
Refusal to Submit Required Blood or Biological Sample for DNA Testing	**2C:29-11**	**MIGHT** (prior ed.: likely no)	**MIGHT** (prior ed.: likely no)		There are no cases in the courts of appeals or decisions by the BIA under this statute, but it does not fit into the enumerated aggravated felonies, and refusing to have blood drawn is unlikely to be considered inherently depraved.

2C:30 – Official Misconduct

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Official Misconduct	**2C:30-2**	**MIGHT** (prior ed.: likely no, unless: (1) it is related to obstruction of justice and a prison sentence of at least 1 year is imposed, (2) it involves deceit in which the loss to the victim or victims exceeds $10,000, or (3) it involves a theft and a prison sentence of at least 1 year is imposed)	**MIGHT** (prior ed.: likely no)	N/A	AF: If charged as removable for AF under 101(a)(43)(M)(i) for embezzlement, 3d Cir. has held only a match if act involved "intent to injure" (Valansi v. Ashcroft, 278 F.3d 203 (3d Cir. 2002); agreement from 2d and 9th Cir.); could argue here that the least culpable conduct could be only to benefit oneself with no intent to injure, and thus is not an AF CIMT: Under the least culpable conduct test, the NJ crime of official misconduct does NOT qualify as a crime of moral turpitude (Bobb v. Att'y Gen., 379 F. App'x 199 (3d Cir. 2010))(Non-precedent); this reverses what BIA had found when looked at the record of conviction (in that case, sexual abuse of minor) to determine it was a CIMT; however, under categorical analysis, must look at least culpable conduct test; as court says, some or even most official acts willfully done without authorization in the course of a public servant's employment may NOT involve conduct of inherent baseness or depravity and thus are not CIMTs
Official Misconduct	**2C:30-3**	**MIGHT** (prior ed.: likely no, unless: (1) it involves deceit in which the loss to the victim or victims exceeds $10,000, or (2) it involves a theft and a prison sentence of at least 1 year is imposed)	**MIGHT** (prior ed.: likely no)	N/A	CIMT: Conduct does not appear to be inherently base or vile; act may not be seen as reprehensible; therefore, most likely not a CIMT
Official Misconduct	**2C:30-4**	**MIGHT** (prior ed.: likely no)	**MIGHT** (prior ed.: likely no)	N/A	AF: If charged as removable for AF under 101(a)(43)(M)(i) for embezzlement, 3d Cir. has held only a match if act involved "intent to injure" (Valansi v. Ashcroft, 278 F.3d 203 (3d Cir. 2002); agreement from 2d and 9th Cir.); here, no intent to injure or defraud CIMT: Similar to 3d Cir. holding in Bobb v. Att'y Gen., some or even most official acts willfully done without authorization in the course of a public servant's employment may NOT involve conduct of inherent baseness or depravity and thus are not CIMTs; here, though is purposely and knowingly, least culpable conduct may not always be inherently base or depraved
Legislative Findings and Declarations	**2C:30-5**	Policy declarations			
Official Misconduct	**2C:30-6**	**PROBABLY**	**PROBABLY**	N/A	AF: If under (b)(2) or (b)(3), court may determine that a "crime of violence" has occurred IF it interprets (a) as requiring use of force. Defense may attempt to counter this by stating least culpable conduct under (a)(1) and/or (a)(2) is devoid of use of force, thus making it not a categorical match for a crime of violence CIMT: Court may determine any conduct under this statute is reprehensible given it is conducted by a public servant knowingly. Court may also determine

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
					a public servant would be using a malicious mind to deny civil rights to another while acting in/purporting to act in an official capacity. Defense may attempt to argue a conviction under (a) that meets the requirements of (b)(1) is not a CIMT since the least culpable conduct might not meet the CIMT requirements of reprehensible act and malicious mind.
Official Misconduct	**2C:30-7**	**MIGHT** (prior ed.: likely no, unless: (1) it is related to obstruction of justice and a prison sentence of at least 1 year is imposed, (2) it involves deceit in which the loss to the victim or victims exceeds $10,000, or (3) it involves a theft and a prison sentence of at least 1 year is imposed)	**MIGHT**	N/A	AF: If charged as removable for AF under 101(a)(43)(M)(i) for embezzlement, 3d Cir. has held only a match if act involved "intent to injure" (Valansi v. Ashcroft, 278 F.3d 203 (3d Cir. 2002); agreement from 2d and 9th Cir.); could argue here that the least culpable conduct could be only to benefit oneself with no intent to injure, and thus is not an AF CIMT: Under the least culpable conduct test, the NJ crime of official misconduct does NOT qualify as a crime of moral turpitude (Bobb v. Att'y Gen., 379 F. App'x 199 (3d Cir. 2010)); this reverses what BIA had found when looked at the record of conviction (in that case, sexual abuse of minor) to determine it was a CIMT; however, under categorical analysis, must look at least culpable conduct test; as court says, some or even most official acts willfully done without authorization in the course of a public servant's employment may NOT involve conduct of inherent baseness or depravity and thus are not CIMTs
"Public Corruption Profiteering Penalty Act"	**2C:30-8**	Penalty			

2C:33 – Public Nuisance, Riot, Alarm, etc.

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Riot	**2C:33-1(a)(1)**	**MIGHT** (prior ed.: likely no)	**MIGHT**		In a non-precedent decision, the AAO states in dicta that 2C:33-1(a) is a CIMT. Matter of C-A-T-M-, 2016 Immig. Rptr. LEXIS 146 (AAO 2016). However, the elements are 1) four or more persons 2) engaging in disorderly conduct to commit or facilitate a "crime." There is an argument that disorderly conduct is outside of any definition of a CIMT and AF. In addition the definition of "crime" would likely be broader than any federal generic definition of an AF or CIMT.
Riot	**2C:33-1(a)(2)**	**MIGHT** (prior ed.: likely no)	**MIGHT**		In a non-precedent decision, the AAO states in dicta that 2C:33-1(a) is a CIMT. Matter of C-A-T-M-, 2016 Immig. Rptr. LEXIS 146 (AAO 2016). However, the elements are 1) four or more persons 2) engaging in disorderly conduct to "prevent or coerce official action." Similar to a(1) that proscribed conduct is likely overly broad for AF or CIMT purposes.
Riot	**2C:33-1(a)(3)**	**MIGHT** (prior ed.: likely no)	**MIGHT**		In a non-precedent decision, the AAO states in dicta that 2C:33-1(a) is a CIMT. Matter of C-A-T-M-, 2016 Immig. Rptr. LEXIS 146 (AAO 2016). However, the elements are 1) four or more persons 2) engaging in disorderly conduct to "uses or plans to use a firearm or other deadly weapon." Similar to a(1-2) that proscribed conduct is likely overly broad for AF or CIMT purposes.
Riot	**2C:33-1(b)**	**MIGHT** (prior ed.: likely No)	**MIGHT**		AF: The Third Circuit has criticized the BIA's treatment of a disorderly persons offense as a conviction. Castillo v. AG United States, 729 F.3d 296 (3d Cir. 2013). In Kwok Sum Wong, the court questioned whether a NJ DP is a conviction for immigration purposes and remanded for consideration. Kwok Sum Wong v. Barr, 818 F. App'x 44 (2d Cir. 2020). CIMT: In a non-precedential decision, the AAO states in dicta that 2C:33-1(a) is a CIMT. Matter of C-A-T-M-, 2016 Immig. Rptr. LEXIS 146 (AAO 2016).
Public Inconvenience	**2C:33-2(a)(1)**	**MIGHT** (prior ed.: likely No)	**MIGHT** (prior ed.: likely No)		**Practice note:** Frequently used as an alternate ("safe-haven") plea to disorderly persons theft or simple assault charges. Its value depends on a neutral factual basis: do not allow theft, drug, weapon, or domestic-relationship facts into the colloquy or judgment. It is still a conviction: a guilty plea to a disorderly persons offense is a "conviction" for immigration purposes. *Avila v. Att'y Gen.*, 82 F.4th 250 (3d Cir. 2023) (adopting the BIA's view, *Matter of Wong*, 28 I&N Dec. 518 (BIA 2022)); *Wong v. Blanche*, No. 22-6185 (2d Cir. Aug. 19, 2026) (same result on independent, post-*Loper Bright* reading of 8 U.S.C. § 1101(a)(48)(A)). Do not advise a client that a municipal-court disposition is "not a crime" for immigration purposes. The Third Circuit has criticized the BIA's treatment of a disorderly persons offense as a conviction. Castillo v. AG United States, 729 F.3d 296 (3d Cir. 2013). In Kwok Sum Wong, the court questioned whether a NJ DP is a conviction for immigration purposes and remanded for consideration. Kwok Sum Wong v. Barr, 818 F. App'x 44 (2d Cir. 2020). In a non-precedent decision, the AAO found 2C:33-2(a) to be a CIMT. 2011 Immig. Rptr. LEXIS 9600 (AAO 2011). In a footnote in another non-precedent

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
					case, the AAO stated that 2C:33-2(a) is not a CIMT. 2015 Immig. Rptr. LEXIS 8854 (AAO 2015).
Public Inconvenience	**2C:33-2(a)(2)**	**MIGHT** (prior ed.: likely No)	**MIGHT** (prior ed.: likely No)		The Third Circuit has criticized the BIA's treatment of a disorderly persons offense as a conviction. Castillo v. AG United States, 729 F.3d 296 (3d Cir. 2013). In Kwok Sum Wong, the court questioned whether a NJ DP is a conviction for immigration purposes and remanded for consideration. Kwok Sum Wong v. Barr, 818 F. App'x 44 (2d Cir. 2020). In a non-precedential decision, the AAO found 2C:33-2(a) to be a CIMT. 2011 Immig. Rptr. LEXIS 9600 (AAO 2011).
Public Inconvenience	**2C:33-2(b)**	**PROBABLY NOT**	**PROBABLY NOT**		This is an offensive language statute, which will not meet the definition of a CIMT. The Third Circuit has criticized the BIA's treatment of a disorderly persons offense as a conviction. Castillo v. AG United States, 729 F.3d 296 (3d Cir. 2013). In Kwok Sum Wong, the court questioned whether a NJ DP is a conviction for immigration purposes and remanded for consideration. Kwok Sum Wong v. Barr, 818 F. App'x 44 (2d Cir. 2020).
Public Inconvenience	**2C:33-2.1(a)**	Definitions			
Public Inconvenience	**2C:33-2.1(b)**	**MIGHT** (prior ed.: likely No)	**MIGHT** (prior ed.: likely No)	**YES**. CSO	**Practice note:** Loitering to obtain or distribute a controlled substance is a poor substitute plea for a noncitizen: it is likely to be treated as an offense "relating to" a controlled substance, and it forfeits the argument that a first marijuana-possession offense of 30 grams or less falls within the statutory exception. Seek a non-drug alternative. The Third Circuit has criticized the BIA's treatment of a disorderly persons offense as a conviction. Castillo v. AG United States, 729 F.3d 296 (3d Cir. 2013). In Kwok Sum Wong, the court questioned whether a NJ DP is a conviction for immigration purposes and remanded for consideration. Kwok Sum Wong v. Barr, 818 F. App'x 44 (2d Cir. 2020). Strategy would be to argue not a conviction if the matter is adjudicate in Municipal Court and not Superior Court based on insufficient constitutional safe guards in municipal court. Not an AF because least culpable conduct is wandering to possess a CDS. Not a CIMT because CDS possession or wondering to obtain CDS is not turpitudinous conduct. This would be a CSO offense if found to be a conviction for immigration purposes. The Third Circuit has held that 2C:33-2.1 relates to a CSO and that the non-citizen convicted under the statute is therefore, inadmissible. Gul v. Att'y Gen., 385 F. App'x 241 (3d Cir. 2010). See also 2005 Immig. Rptr. LEXIS 50688 (AAO 2005).
Public Inconvenience	**2C:33-2.1(c)**	Definitions			
Public Inconvenience	**2C:33-2.1(d)**	Definitions			

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
False Alarm	**2C:33-3(a)(1)(a)**	**MIGHT** (prior ed.: likely No)	**MIGHT**		The BIA held a similar Minnesota statute was a CIMT, stating "making threats to commit a crime of violence with the purpose or reckless disregard of terrorizing another or of causing an evacuation or other serious public inconvenience, is categorically a crime involving moral turpitude." Matter of Salad, 27 I&N Dec. 733, 2020 BIA LEXIS 1 (BIA 2020).
False Alarm	**2C:33-3(a)(1)(b)**	**MIGHT** (prior ed.: likely No)	**MIGHT**		The BIA held a similar Minnesota statute was a CIMT, stating "making threats to commit a crime of violence with the purpose or reckless disregard of terrorizing another or of causing an evacuation or other serious public inconvenience, is categorically a crime involving moral turpitude." Matter of Salad, 27 I&N Dec. 733, 2020 BIA LEXIS 1 (BIA 2020).
False Alarm	**2C:33-3(a)(1)(c)**	**MIGHT** (prior ed.: likely No)	**MIGHT**		The BIA held a similar Minnesota statute was a CIMT, stating "making threats to commit a crime of violence with the purpose or reckless disregard of terrorizing another or of causing an evacuation or other serious public inconvenience, is categorically a crime involving moral turpitude." Matter of Salad, 27 I&N Dec. 733, 2020 BIA LEXIS 1 (BIA 2020).
False Alarm	**2C:33-3(a)(2)**	**MIGHT** (prior ed.: likely No)	**MIGHT**		The BIA held a similar Minnesota statute was a CIMT, stating "making threats to commit a crime of violence with the purpose or reckless disregard of terrorizing another or of causing an evacuation or other serious public inconvenience, is categorically a crime involving moral turpitude." Matter of Salad, 27 I&N Dec. 733, 2020 BIA LEXIS 1 (BIA 2020).
False Alarm	**2C:33-3(b)**	**MIGHT** (prior ed.: likely No)	**MIGHT**		The BIA held a similar Minnesota statute was a CIMT, stating "making threats to commit a crime of violence with the purpose or reckless disregard of terrorizing another or of causing an evacuation or other serious public inconvenience, is categorically a crime involving moral turpitude." Matter of Salad, 27 I&N Dec. 733, 2020 BIA LEXIS 1 (BIA 2020). In NJ this is a second degree offense related to making a false alarm relating to bombing or hostage situation.
False Alarm	**2C:33-3(c)**	**MIGHT** (prior ed.: likely No)	**MIGHT**		The BIA held a similar Minnesota statute was a CIMT, stating "making threats to commit a crime of violence with the purpose or reckless disregard of terrorizing another or of causing an evacuation or other serious public inconvenience, is categorically a crime involving moral turpitude." Matter of Salad, 27 I&N Dec. 733, 2020 BIA LEXIS 1 (BIA 2020). In NJ this is a second degree offense related to making a false alarm relating to critical state infrastructure.
False Alarm	**2C:33-3(d)**	Strict liability			
False Alarm	**2C:33-3(e)**	**MIGHT** (prior ed.: likely No)	**MIGHT**		Calling 9-1-1 without needing emergency services. Mens rea is knowingly, so there may be a CIMT finding.
False Alarm (Penalties)	**2C:33-3.1**				
Alarm to Other	**2C:33-4(a)**	**PROBABLY NOT**	**MIGHT** (prior ed.: likely		The Third Circuit has criticized the BIA's treatment of a disorderly persons

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
			No)		offense as a conviction. Castillo v. AG United States, 729 F.3d 296 (3d Cir. 2013). In Kwok Sum Wong, the court questioned whether a NJ DP is a conviction for immigration purposes and remanded for consideration. Kwok Sum Wong v. Barr, 818 F. App'x 44 (2d Cir. 2020). This harassment that is conduct that causes annoyance or alarm. Not a CIMT as the conduct includes conduct that is not reprehensible. PDP offense does not meet the definition of a felony nor AF.
Alarm to Other	**2C:33-4(b)**	**PROBABLY NOT**	**MIGHT** (prior ed.: likely No)		The Third Circuit has criticized the BIA's treatment of a disorderly persons offense as a conviction. Castillo v. AG United States, 729 F.3d 296 (3d Cir. 2013). In Kwok Sum Wong, the court questioned whether a NJ DP is a conviction for immigration purposes and remanded for consideration. Kwok Sum Wong v. Barr, 818 F. App'x 44 (2d Cir. 2020). In a non-precedent decision, the AAO found 2C:33-4(b) to be a CIMT despite being a disorderly persons offense but found it fell within the petty offense exception because the term of imprisonment is less than 6 months. 2012 Immig. Rptr. LEXIS 12470 (AAO 2012). But, in another non-precedent case, the AAO found 2C:33-4(b) to not be a CIMT. 2014 Immig. Rptr. LEXIS 1910 (AAO 2014). (Author comment, the AAO often analyzes the law incorrectly. The least culpable conduct is offensive touching or threat to offensively touch, which is akin to a simple assault. The AAO just got this completely wrong, which is seen in other AAO decisions cited in this chart.)
Alarm to Other	**2C:33-4(c)**	**PROBABLY NOT**	**MIGHT** (prior ed.: likely No)		The Third Circuit has criticized the BIA's treatment of a disorderly persons offense as a conviction. Castillo v. AG United States, 729 F.3d 296 (3d Cir. 2013). In Kwok Sum Wong, the court questioned whether a NJ DP is a conviction for immigration purposes and remanded for consideration. Kwok Sum Wong v. Barr, 818 F. App'x 44 (2d Cir. 2020). The prohibited conduct again is "alarm or seriously annoy another person." This not reprehensible conduct that would rise to the level of a CIMT.
Alarm to Other	**2C:33-4(e)**	**PROBABLY NOT**	**MIGHT** (prior ed.: likely No)		This provision is the same as (a) and (b) except done by a defendant while in jail. Would not be an AF or a CIMT for the reasons explained in the previous subsections.
Cyber-Harassment	**2C:33-4.1(a)(1)**	**MIGHT** (prior ed.: likely No)	**MIGHT** (prior ed.: likely No)		This provision is cyber-harassment with a threat of violence. Not an AF bc threat of violence or harm is not sufficient and likely not a CIMT because threat to harm a person or property likely over broad for any federal generic definition of CIMT.
Cyber-Harassment	**2C:33-4.1(a)(2)**	**MIGHT** (prior ed.: likely No)	**MIGHT**		This is lewdness and obscenity subsection of the cyber-harassment statutes, which could possibly be a CIMT.
Cyber-Harassment	**2C:33-4.1(a)(3)**	**MIGHT** (prior ed.: likely No)	**MIGHT** (prior ed.: likely No)		This is
Cyber-Harassment	**2C:33-4.1(b)**	Cyber-harassment is a crime of the fourth degree, unless the person is 21 years of age or older at the time of the offense and impersonates a minor for the purpose of cyber-harassing a minor, in which case it is a crime of the third degree.			

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Cyber-Harassment	**2C:33-4.1(c)**	Sentencing			
Cyber-Harassment	**2C:33-4.1(d)**	Sentencing			
Obstruction/Refuses to Obey Request	**2C:33-7(a)**	**PROBABLY NOT**	**MIGHT** (prior ed.: likely No)		The Third Circuit has criticized the BIA's treatment of a disorderly persons offense as a conviction. Castillo v. AG United States, 729 F.3d 296 (3d Cir. 2013). In Kwok Sum Wong, the court questioned whether a NJ DP is a conviction for immigration purposes and remanded for consideration. Kwok Sum Wong v. Barr, 818 F. App'x 44 (2d Cir. 2020). This is PDP offense for obstruction of a road or public passage, which is not conduct that would rise to a CIMT.
Obstruction/Refuses to Obey Request	**2C:33-7(b)(1)**	**PROBABLY NOT**	**MIGHT** (prior ed.: likely No)		The Third Circuit has criticized the BIA's treatment of a disorderly persons offense as a conviction. Castillo v. AG United States, 729 F.3d 296 (3d Cir. 2013). In Kwok Sum Wong, the court questioned whether a NJ DP is a conviction for immigration purposes and remanded for consideration. Kwok Sum Wong v. Barr, 818 F. App'x 44 (2d Cir. 2020). This is PDP offense for obstruction of a road or public passage, which is not conduct that would rise to a CIMT.
Obstruction/Refuses to Obey Request	**2C:33-7(b)(2)**	**PROBABLY NOT**	**MIGHT** (prior ed.: likely No)		The Third Circuit has criticized the BIA's treatment of a disorderly persons offense as a conviction. Castillo v. AG United States, 729 F.3d 296 (3d Cir. 2013). In Kwok Sum Wong, the court questioned whether a NJ DP is a conviction for immigration purposes and remanded for consideration. Kwok Sum Wong v. Barr, 818 F. App'x 44 (2d Cir. 2020). This is PDP offense for not obeying an order to move away from a fire or other hazard, which is not conduct that would rise to a CIMT.
Obstruction/Refuses to Obey Request	**2C:33-8**	**PROBABLY NOT**	**MIGHT** (prior ed.: likely No)		The Third Circuit has criticized the BIA's treatment of a disorderly persons offense as a conviction. Castillo v. AG United States, 729 F.3d 296 (3d Cir. 2013). In Kwok Sum Wong, the court questioned whether a NJ DP is a conviction for immigration purposes and remanded for consideration. Kwok Sum Wong v. Barr, 818 F. App'x 44 (2d Cir. 2020). This is a DP offense for disrupting a meeting, which not conduct that would rise to CIMT.
Disrupting a Funeral	**2C:33-8.1(a)**	Definitions			
Disrupting a Funeral	**2C:33-8.1(b)(1)**	**MIGHT** (prior ed.: likely No)	**MIGHT**		The Third Circuit has criticized the BIA's treatment of a disorderly persons offense as a conviction. Castillo v. AG United States, 729 F.3d 296 (3d Cir. 2013). In Kwok Sum Wong, the court questioned whether a NJ DP is a conviction for immigration purposes and remanded for consideration. Kwok Sum Wong v. Barr, 818 F. App'x 44 (2d Cir. 2020). This is a DP offense for obstructing or blocking entry to a funeral or burial ceremony, which may rise to the level of a CIMT.
Disrupting a Funeral	**2C:33-8.1(b)(2)**	**MIGHT** (prior ed.: likely No)	**MIGHT**		The Third Circuit has criticized the BIA's treatment of a disorderly persons offense as a conviction. Castillo v. AG United States, 729 F.3d 296 (3d Cir. 2013). In Kwok Sum Wong, the court questioned whether a NJ DP is a

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
					conviction for immigration purposes and remanded for consideration. Kwok Sum Wong v. Barr, 818 F. App'x 44 (2d Cir. 2020). This engaging in a protest demonstration at a funeral, which may rise to the level of a CIMT.
Disrupting a Funeral	**2C:33-8.1(c)**	Grading			
Desecrates Public Monument, etc.	**2C:33-9**	**MIGHT** (prior ed.: likely No)	**MIGHT** (prior ed.: likely No)		BIA held in Matter of N-, 8 I&N Dec. 466 (BIA 1959) that vandalism to property is not a CIMT
Placing Object on Property to Expose Another to Threat of Violence	**2C:33-10**	**MIGHT** (prior ed.: likely No)	**MIGHT**		3rd Degree offense for placing signs or displays that imply a threat of violence and the victim. Unlikely a COV because least culpability is recklessly. Possible CIMT due to the nature of the offense.
Placing Object on Property to Expose Another to Threat of Violence	**2C:33-11**	**MIGHT** (prior ed.: likely No)	**MIGHT**		4the degree offense for desecrating a religious or sectarian premise. The argument against a CIMT would be that the general NJ statutory definition of "desecrating" includes polluting, which may not meet the definition of a CIMT.
Takes Possession of Property or Refuses to Restore Property to Occupant	**2C:33-11.1(a)**	**MIGHT** (prior ed.: likely No)	**MIGHT** (prior ed.: likely No)		DP offense which regulates conduct during evictions. It is overly broad for CIMT purposes.
Takes Possession of Property or Refuses to Restore Property to Occupant	**2C:33-11.1(b)**	Grading			
Nuisance	**2C:33-12(a)**	**MIGHT** (prior ed.: likely No)	**MIGHT** (prior ed.: likely No)		DP Nuisance overly broad for CIMT.
Nuisance	**2C:33-12(b)**	**MIGHT** (prior ed.: likely No)	**MIGHT** (prior ed.: likely No)		In a non-precedent decision, the AAO held that 2C:33-12(b) was not a CIMT. 2008 Immig. Rptr. LEXIS 19629 (AAO 2009).
Nuisance	**2C:33-12(c)**	**MIGHT** (prior ed.: likely No)	**MIGHT** (prior ed.: likely No)		House of prostitution OR obscene material in same statute – the obscene part is not a CIMT as obscenity to adults is not per se a crime. Thus likely not AF or CIMT. However, - The AAO must next analyze whether the applicant's conviction makes the applicant inadmissible under section 212(a)(2)(D)(i) of the Act, for prostitution-related activity. The record indicates that the applicant has been convicted of only one crime, Maintaining a Nuisance, as discussed in detail above. Although the complaint/warrant issued for the applicant in September 1996 referenced section 2C:33-12c of The New Jersey Code of Criminal Justice, which references prostitution, it was later amended to reflect a charge against the applicant under section 2C:33-12(b), as outlined above, of which he was ultimately convicted. Section 2C:33-12(b) of The New Jersey Code of Criminal Justice makes no reference to prostitution-related activity. As such, the record fails to establish that the applicant has been convicted of any

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
					prostitution-related offenses and/or the record fails to indicate that the applicant came to the United States solely, principally, or incidentally to engage in prostitution, or has engaged in prostitution, as required under section 212(a)(2)(D)(i) of the Act. He is thus not inadmissible for prostitution-related activity under section 212(a)(2)(D)(i) of the Act. 2008 Immig. Rptr. LEXIS 19629, *6-7
Nuisance	**2C:33-12.1**	Abating Nuisance			
Nuisance	**2C:33-12.2(a)**	Definitions			
Nuisance	**2C:33-12.2(b)**	**MIGHT** (prior ed.: likely No)	**PROBABLY**	**PROBABLY**	It's only a violation of the statute if there is actual ways to facilitate actual sex among patrons or employees and patrons. Which involves money, which makes this a form of prostitution. This is likely a CIMT and commercialized vice--prostitution.
Nuisance	**2C:33-12.2(c)**	Municpal regulations			
Nuisance	**2C:33-12.2(d)**	Grading			
Smoke on Bus	**2C:33-13(a)**	**PROBABLY NOT**	**MIGHT** (prior ed.: likely No)		DP & PDP offenses that are not "inherently, base, vile or reprehensible."
Smoke in Public Place	**2C:33-13(b)**	**PROBABLY NOT**	**MIGHT** (prior ed.: likely No)		DP & PDP offenses that are not "inherently, base, vile or reprehensible."
	2C:33-13(c)	Supercede Clause			
Tobacco to Under 21 Year Old	**2C:33-13.1(a)**	**PROBABLY NOT**	**MIGHT** (prior ed.: likely No)		DP & PDP offenses that are not "inherently, base, vile or reprehensible."
Tobacco to Minor	**2C:33-13.1(b)**	Defenses			
Tobacco to Minor	**2C:33-13.1(c)**	Sentencing			
Interference with Transport	**2C:33-14(a)(1)**	**MIGHT** (prior ed.: likely No)	**MIGHT**		
Interference with Transport	**2C:33-14(a)(2)**	**MIGHT** (prior ed.: likely No)	**MIGHT**		
Interference with Transport	**2C:33-14(a)(3)**	**MIGHT** (prior ed.: likely no)	**MIGHT**		
Interference with Transport	**2C:33-14(a)(4)**	**MIGHT** (prior ed.: likely No)	**MIGHT** (prior ed.: likely No)		
Interference with Transport	**2C:33-14(a)(5)**	**MIGHT** (prior ed.: likely No)	**MIGHT** (prior ed.: likely No)		

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Interference with Transport	**2C:33-14(a)(6)**	**MIGHT** (prior ed.: likely no)	**MIGHT**		
Interference with Transport	**2C:33-14(a)(7)**	**MIGHT** (prior ed.: likely No)	**MIGHT**		
Interference with Transport	**2C:33-14(b)**	Grading			
Interference with Transport	**2C:33-14(c)**	Interference with transportation is a crime of the fourth degree if the person purposely, knowingly or recklessly causes bodily injury to another person or causes pecuniary loss in excess of $500 but less than $2,000			
Interference with Transport	**2C:33-14(d)**	Interference with transportation is a crime of the third degree if the person purposely, knowingly or recklessly causes significant bodily injury to another person or causes pecuniary loss of $2,000 or more, or if the person purposely or knowingly creates a risk of significant bodily injury to another person.			
Interference with Transport	**2C:33-14(e)**	Interference with transportation is a crime of the second degree if the person purposely, knowingly or recklessly causes serious bodily injury to another person.			
Interference with Railroad Crossing	**2C:33-14.1(a)**	**MIGHT**	**MIGHT**		
Interference with Railroad Crossing	**2C:33-14.1(b)**	Sentencing			
Underage Drinking	**2C:33-15(a)**	**MIGHT** (prior ed.: likely No)	**MIGHT** (prior ed.: likely No)		The offense is regulatory in nature
Underage Drinking	**2C:33-15(b)**	Sentencing			
Underage Drinking	**2C:33-15(c)**	Sentencing			
Underage Drinking	**2C:33-15(d)**	Scope			
Underage Drinking	**2C:33-15(e)**	Scope			
Underage Drinking	**2C:33-15(f)**	Defenses			
Underage Drinking	**2C:33-15(g)**	Definitions			
Drinking on School Property without Permission	**2C:33-16**	**MIGHT** (prior ed.: likely No)	**MIGHT** (prior ed.: likely No)		The offense is regulatory in nature
Give Alcohol to Minor	**2C:33-17(a)**	**MIGHT** (prior ed.: likely No)	**MIGHT** (prior ed.: likely No)		The offense is regulatory in nature
Has Property Where Allows Underage Alcohol Consumption	**2C:33-17(b)**	**MIGHT** (prior ed.: likely No)	**MIGHT** (prior ed.: likely No)		The offense is regulatory in nature

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Paging Device (Student)	**2C:33-19**	**PROBABLY NOT**	**PROBABLY NOT**	**PROBABLY NOT**	In all likelihood, such an offense would be adjudicated as juvenile delinquency pursuant to N.J.S.A. 2A:4A-22-23. According to Matter of Devison-Charles, 22 I&N Dec. 1362 (BIA 2000), juvenile delinquency adjudications are not convictions for immigration purposes. Since most people in elementary and secondary school are under the age of 18, a conviction under this statute is highly unlikely to constitute a conviction under the INA. If someone aged 18 or older were convicted, it still would likely not be an offense triggering removal.
Paging Device (Drug Deal)	**2C:33-20**	**MIGHT** (prior ed.: likely no, but the concomitant offense may be a drug offense.)	**MIGHT** (prior ed.: likely no, but the underlying offense may be a CIMT.)	**MIGHT** (prior ed.: likely no, but the concomitant offense may be a drug offense.)	Drug trafficking is an AF, and drug offenses are independent grounds of removal. The use of a pager alone would not trigger removal, but the underlying offense would.
Use Info from Police, Fire, EMT System	**2C:33-21**	**MIGHT**. If convicted under the prong of interfering with emergency services. Not likely an AF under the second prong, but the underlying crime may be an AF.	**PROBABLY**. Under either prong.	**MIGHT** (prior ed.: likely no, but the underlying crime under the first prong may be independent grounds of removal. Under the second prong, no.)	This statute is divisible, so the record of conviction will be accessible for purposes of determining removability. The interference prong is indivisible with regard to the branch of emergency services, so it is not necessarily a crime relating to obstruction of justice. It could also be interfering with fire rescue or EMS. Interfering with emergency services could still be considered a CIMT.
Possession of Radio Getting Police, Fire, EMT Communication	**2C:33-22**	**MIGHT** (prior ed.: likely no, but the underlying offense may be an AF.)	**MIGHT** (prior ed.: likely no, but the underlying offense may be a CIMT.)	**MIGHT** (prior ed.: likely no, but the underlying crime may be independent grounds of removal.)	This statute criminalizes possession of a radio in the course of committing a crime. If convicted only of this crime, and not of any other, then it is not categorically an AF, CIMT, or other grounds of removal because the underlying crime is not necessarily one of them.
Unlicensed Radio Transmissions	**2C:33-23.1(a)**	**MIGHT** (prior ed.: likely No)	**MIGHT** (prior ed.: likely No)		
Unlicensed Radio Transmissions	**2C:33-23.1(c)**	**MIGHT** (prior ed.: likely No)	**MIGHT** (prior ed.: likely No)		
Unlicensed Radio Transmissions	**2C:33-23.2**	A person who violates the provisions of this act is guilty of a crime of the fourth degree			
Intercepting Signal from Vehicle Location System	**2C:33-23.3(a)(1)**	**MIGHT**. An offense related to obstruction of justice.	**MIGHT**		
Intercepting Signal from Vehicle Location System	**2C:33-23.3(a)(2)**	**MIGHT**. An offense related to obstruction of justice.	**MIGHT**		
Intercepting Signal from Vehicle Location System	**2C:33-23.3(a)(3)**	**MIGHT** (prior ed.: likely no, but the unlawful purpose might be an AF.)	**MIGHT**		

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Sale of Motor Vehicle on Sunday	**2C:33-26**	**PROBABLY NOT**	**PROBABLY NOT**		
Alcohol in Restaurants	**2C:33-27(a)(1)**	**PROBABLY NOT**	**MIGHT** (prior ed.: likely No)		
Alcohol in Restaurants	**2C:33-27(a)(2)**	**PROBABLY NOT**	**MIGHT** (prior ed.: likely no)		The prohibition on advertising BYOB establishments was ruled unconstitutional in GJJM Enterprises, LLC v. City of Atlantic City, 352 F. Supp.3d 402 (D.N.J. 2018)
Alcohol in Restaurants	**2C:33-27(a)(3)**	**PROBABLY NOT**	**MIGHT** (prior ed.: likely No)		
Alcohol in Restaurants	**2C:33-27(c)**	A person who violates any provision of this act is a disorderly person, and the court, in addition to the sentence imposed for the disorderly person violation, may by its judgment bar the owner or operator from allowing consumption of wine or malt alcoholic beverages in his premises as authorized by this act			
Soliciting or Recruiting Gang Members	**2C:33-28(a)**	**MIGHT** (prior ed.: likely No)	**MIGHT**	**MIGHT**. Activity that endangers public safety under 8 U.S.C. § 1227(a)(4)(A)(ii)	
Soliciting or Recruiting Gang Members	**2C:33-28(b)**	**MIGHT** (prior ed.: likely No)	**PROBABLY**	See above.	
Soliciting or Recruiting Gang Members	**2C:33-28(c)**	**PROBABLY**. A crime of violence if the term of imprisonment is one year or more.	**PROBABLY**	See above.	Inflicting bodily injury has no mens rea listed in the statute, but if the NJ-Gap filler of “knowingly” is applied it may likely be considered a crime of violence.
Soliciting or Recruiting Gang Members	**2C:33-28(d)**	Any defendant convicted of soliciting, recruiting, coercing or threatening a person under 18 years of age in violation of subsection a., b. or g. of this section shall be guilty of a crime of the second degree			
Soliciting or Recruiting Gang Members	**2C:33-28(e)**	An actor who violates subsection a. of this section while under official detention commits a crime of the second degree			
Soliciting or Recruiting Gang Members	**2C:33-28(g)**	An actor who in the course of violating subsection a. of this section, does so on school property commits a crime of the third degree			
Gang Criminality	**2C:33-29(a)**	**MIGHT** (prior ed.: likely no, but the underlying offense may be an AF.)	**PROBABLY**	**MIGHT**. Activity endangering public safety, and the underlying offense may also be a weapons violation or a controlled substance violation.	Gang enhancement has not been dealt with by the Third Circuit, but the BIA discussed it in Matter of Hernandez, 26 I&N Dec. 397 (2014). The BIA said that gang enhancement under CA law was categorically a CIMT because it was not two separate crimes, but rather one crime with gang enhancement. The Third Circuit has neither adopted nor rejected this approach.

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Promotion of Organized Street Crime	**2C:33-30(a)**	**MIGHT** (prior ed.: likely not by itself, but may qualify as a conspiracy to commit an AF if the underlying offense is an AF.)	**PROBABLY**	The underlying offense may be an independent grounds of removal, and this offense could be considered a danger to public safety.	
Dog Fighting	**2C:33-31(a)(1)**	**MIGHT** (prior ed.: likely No)	**MIGHT**		In Matter of Ortega-Lopez, 27 I&N Dec. 382 (BIA 2018), the BIA said that dog fighting is a CIMT because it is the practice of watching an animal suffer for amusement. Though this statute has never been the subject of an appeal or any immigration decision, all of these subsections are likely to qualify as CIMTs because of their intrinsic connection to a practice determined to involve moral turpitude.
Dog Fighting	**2C:33-31(a)(2)**	**MIGHT** (prior ed.: likely No)	**MIGHT**		
Dog Fighting	**2C:33-31(a)(3)**	**MIGHT** (prior ed.: likely No)	**MIGHT**		
Dog Fighting	**2C:33-31(a)(4)**	**MIGHT** (prior ed.: likely No)	**MIGHT**		
Dog Fighting	**2C:33-31(a)(5)**	**MIGHT** (prior ed.: likely No)	**MIGHT**		
Dog Fighting	**2C:33-31(a)(6)**	**MIGHT** (prior ed.: likely No)	**MIGHT**		
Dog Fighting	**2C:33-31(a)(7)**	**MIGHT** (prior ed.: likely No)	**MIGHT**		
Dog Fighting, Leader of Network	**2C:33-32(a)**	**MIGHT** (prior ed.: likely No)	**MIGHT**		

2C:34 – Prostitution and Obscenity

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Prostitution	**2C:34-1(b)(1)**	**PROBABLY NOT**	**PROBABLY**	**PROBABLY NOT**	Prostitution is historically a CIMT (Matter of W-, 4 I&N Dec. 401 (BIA 1951)), but the Third Circuit has not issued any recent case law regarding this issue. Prostitution and commercialized vices are grounds of inadmissibility at 8 U.S.C. 7 1182(a)(2)(D), but they do not constitute independent grounds of removal like firearms offenses or drug offenses.
Prostitution	**2C:34-1(b)(2)**	**MIGHT**. Depending on which definition of "promoting prostitution" is in the record of conviction	**PROBABLY**	**MIGHT**. A human trafficking offense	The definition of "promoting prostitution" found at 2C:34-1(a)(4) shows that this statute is divisible, so the record of conviction will be accessible in removal proceedings. Avoid pleading to the kinds of promoting prostitution that would be an AF.
Prostitution	**2C:34-1(b)(3)**	**PROBABLY**. Both as a prostitution offense and as sexual abuse of a minor	**PROBABLY**	**MIGHT**. A human trafficking offense	Sexual abuse of a minor includes prostitution of children (Grijalva-Martinez v. Att'y Gen., 978 F.3d 860 (3d Cir. 2020).
Prostitution	**2C:34-1(b)(4)**	**PROBABLY**. Both as a prostitution offense and as sexual abuse of a minor	**PROBABLY**	**MIGHT**. A human trafficking offense	
Prostitution	**2C:34-1(b)(5)**	**MIGHT** (prior ed.: likely no)	**PROBABLY**	**PROBABLY NOT**	
Prostitution	**2C:34-1(b)(6)**	**MIGHT**. Depending on which definition of "promoting prostitution" is in the record of conviction	**PROBABLY**	**MIGHT**. A human trafficking offense	
Prostitution	**2C:34-1(b)(7)**	**PROBABLY**. As sexual abuse of a minor	**PROBABLY**	**MIGHT** (prior ed.: likely no)	
Prostitution	**2C:34-1(b)(8)**	**MIGHT** (prior ed.: likely no)	**PROBABLY**	**PROBABLY NOT**	
Prostitution	**2C:34-1.1**	**MIGHT**. An attempt to commit promotion of prostitution, but the statute is likely indivisible	**MIGHT**	**PROBABLY NOT**. But it may be grounds of inadmissibility	If found inadmissible for this offense, the petty offense exception may apply since this is a disorderly persons offense, which carries a six-month maximum sentence.
Obscenity	**2C:34-2**	**PROBABLY NOT**	**MIGHT** (prior ed.: likely no)	**PROBABLY NOT**	Municipalities can adopt zoning ordinances allowing sexually oriented businesses to operate, so this is not a crime if done by a licensed merchant in such goods. Otherwise, it is still likely not an offense warranting removal.
Obscenity	**2C:34-3(b)(1)**	**MIGHT** (prior ed.: likely no)	**MIGHT**	**MIGHT** (prior ed.: likely no)	Under Grijalva, sexual abuse of a minor requires sexual contact, and this statute lacks such an element. It is likely not sexual abuse of a minor.
Obscenity	**2C:34-3(b)(2)**	**MIGHT** (prior ed.: likely	**MIGHT**	**MIGHT** (prior ed.: likely	Again, this statute requires no element of contact, so under the Grijalva test, it

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
		no)		no)	fails the Third Circuit definition of sexual abuse of a minor.
Obscenity	**2C:34-3(c)(1)**	**MIGHT** (prior ed.: likely no)	**MIGHT**	**MIGHT** (prior ed.: likely no)	
Obscenity	**2C:34-3(c)(2)**	**MIGHT** (prior ed.: likely no)	**MIGHT**	**MIGHT** (prior ed.: likely no)	
Obscenity	**2C:34-4(b)**	**PROBABLY NOT**	**MIGHT**. But likely no	**PROBABLY NOT**	This statute is divisible, but neither prong qualifies as an enumerated aggravated felony or an independent criminal grounds of removal, and it is unlikely to be considered morally turpitudinous.
Diseased Person Committing Act of Sexual Penetration	**2C:34-5(a)**	**MIGHT**. Fraud, but there is no element that the actor make a false representation, so likely no	**MIGHT**	**PROBABLY NOT**	Under Valansi v. Ashcroft, 278 F.3d 203 (3d Cir. 2002), a fraud or deceit crime must have fraud or deceit as an element, both of which are defined in the same case as a misrepresentation. This does not require misrepresentation, only failure to disclose.
Diseased Person Committing Act of Sexual Penetration	**2C:34-5(b)**	See above	**MIGHT**	**PROBABLY NOT**	See above.
Sexually Oriented Business	**2C:34-7(a)**	**PROBABLY NOT**	**MIGHT** (prior ed.: likely no)	**PROBABLY NOT**	This statute explains where a sex shop can be operated and how it has to appear from the outside. Violating it is unlikely to be considered a CIMT, and it does not fall into any of the enumerated AFs. The lowest possible conduct under this law is having more than two signs at a sex shop or having an identification sign larger than forty square feet.
Sexually Oriented Business	**2C:34-7(b)**	Every sexually oriented business shall be surrounded by a perimeter buffer of at least 50 feet in width with plantings, fence, or other physical divider along the outside of the perimeter sufficient to impede the view of the interior of the premises in which the business is located. The municipality may, by ordinance, require the perimeter buffer to meet additional requirements or standards			
Sexually Oriented Business	**2C:34-7(c)**	No sexually oriented business shall display more than two exterior signs, consisting of one identification sign and one sign giving notice that the premises are off limits to minors. The identification sign shall be no more than 40 square feet in size			
Sexually Oriented Business	**2C:34-7(d)**	A person who violates this section is guilty of a crime of the fourth degree			

2C:35 – Controlled Substances

Controlled substance offenses. A state drug conviction is a CSO only if an element of the offense is tied to a substance controlled under federal law. *Mellouli v. Lynch*, 575 U.S. 798 (2015); *Hillocks v. Att'y Gen.*, 934 F.3d 332 (3d Cir. 2019). The New Jersey and federal schedules are compared as of the date of conviction. *Martinez v. Att'y Gen.*, 906 F.3d 281 (3d Cir. 2018). The BIA treats the substance as an element, making 2C:35-10(a)(1) and 2C:35-5(b) divisible by substance, so the record will be consulted. *Matter of Laguerre*, 28 I&N Dec. 437 (BIA 2022); *Matter of Frias Ulloa*, 29 I&N Dec. 259 (BIA 2025).

Aggravated felonies. A state drug offense is a "drug trafficking crime" AF only if it corresponds to a felony under the federal Controlled Substances Act; simple possession generally does not. *Lopez v. Gonzales*, 549 U.S. 47 (2006); *Moncrieffe v. Holder*, 569 U.S. 184 (2013) (small amount of marijuana for no remuneration). On the school-zone statute (2C:35-7), the BIA (*Matter of Rosa*, 27 I&N Dec. 228 (BIA 2018)), Third Circuit (*Rosa v. Att'y Gen.*, 950 F.3d 67 (3d Cir. 2020)), and Second Circuit (*Stankiewicz v. Garland*, 103 F.4th 119 (2d Cir. 2024)) diverge; see the entry.

Cannabis. New Jersey's cannabis legalization and decriminalization laws (2021) do not change federal law: marijuana remains federally controlled, and conduct that is lawful in New Jersey can still be the basis for inadmissibility (including admissions) and for adverse discretionary findings. Clients should be advised not to discuss cannabis use with immigration officials without counsel.

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Comprehensive Drug Reform Act of 1987	**2C:35-1**	Short Title			
Comprehensive Drug Reform Act of 1987	**2C:35-1.1**	Declaration of policy and legislative findings			
Comprehensive Drug Reform Act of 1987	**2C:35-1.2**	References to Act in Code			
Comprehensive Drug Reform Act of 1987	**2C:35-2**	Definitions			
Comprehensive Drug Reform Act of 1987	**2C:35-3**	**YES**	**YES**	**YES**: CSO	In 2016 and again in 2018, the BIA upheld their view that sale of a controlled substance involves moral turpitude. Matter of Gonzalez Romo, 26 I&N Dec. 743 (BIA 2016), aff'd Gonzalez Romo v. Barr, No. 16-71559 (9th Cir. Aug. 14, 2019) AND Matter of Acosta, 27 I&N Dec. 420 (BIA 2018)
Comprehensive Drug Reform Act of 1987	**2C:35-4**	**YES**	**PROBABLY**	**YES**: CSO	
Comprehensive	**2C:35-4.1**	**MIGHT**	**PROBABLY**	**MIGHT**. Considered a	

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Drug Reform Act of 1987				CSO if record of conviction establishes a controlled substance as defined in 21 U.S.C. § 802. Might also be considered an FO if record of conviction establishes that "booby trap" is a firearm or "destructive device" (as defined in 18 U.S.C. § 921(a)).	
Comprehensive Drug Reform Act of 1987	**2C:35-5**	**YES** (illicit trafficking / drug trafficking crime) where the record identifies a federally controlled substance; marijuana and some quantity-based subsections raise arguments (see Comments).	**PROBABLY**. Distribution and possession with intent to distribute are generally treated as CIMTs.	**YES**: CSO. Assume the substance named in the indictment, plea, or judgment will be used to establish a federally controlled substance.	**UPDATE (2026):** *Matter of Frias Ulloa*, 29 I&N Dec. 259 (BIA 2025), held 2C:35-5(b)(4) divisible by controlled substance and, applying the modified categorical approach, found fentanyl; it followed *Matter of Laguerre*, 28 I&N Dec. 437 (BIA 2022), and found persuasive *Gayle* (3d Cir. June 15, 2023) (non-precedential) (subsection (b)(1) divisible by substance). *Martinez v. Att'y Gen.*, 906 F.3d 281 (3d Cir. 2018), compares the New Jersey and federal schedules as of the date of conviction and holds New Jersey attempt law coextensive with federal attempt law; *Balisage v. Att'y Gen.*, 851 F. App'x 314 (3d Cir. 2021) (non-precedential) (later federal descheduling of ioflupane did not help); *Sanon v. Barr*, 812 F. App'x 33 (2d Cir. 2020) (non-precedential) (2C:35-5(a)(1) attempted transfer matches § 841(a)(1)). *Hillocks v. Att'y Gen.*, 934 F.3d 332 (3d Cir. 2019), requires the categorical approach for the controlled-substance deportability ground. **Marijuana:** *Harve v. Att'y Gen.*, 787 F. App'x 803 (3d Cir. 2019) (non-precedential), held a 2C:35-5(b)(11) marijuana conviction not a drug-trafficking AF because the one-ounce (28.35 g) threshold reaches conduct that is only a federal misdemeanor (small amount for no remuneration). That argument does not defeat the CSO ground. Marijuana remains federally controlled notwithstanding New Jersey's cannabis laws. **Tips:** Because the BIA and the Third Circuit's non-precedential decisions treat these subsections as divisible by substance, assume the charging document will identify the drug. Where possible, plead to an offense that does not name a federally controlled substance, or to a non-drug offense. A state offense constitutes an aggravated felony for immigration purposes only if it proscribes conduct punishable as a felony under the Controlled Substances Act (i.e., imprisonment of more than a year). See Moncrieffe v. Holder, 133 S. Ct. 1678 (2013). A conviction under N.J. Stat. Ann. § 2C:35–5(a)(1) is the omnibus distribution statute. Almost every conviction under this statute will be deemed an AF-CSO. The statute has numerous divisible sections, so the 35-5(b)(10) marijuana sections don't really affect the other portions of the statute. 35-5(b)(10) marijuana does not categorically constitute an illicit trafficking aggravated felony under the hypothetical federal felony route, but only because the statute criminalizes the distribution of a small amount of marijuana for no

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
					remuneration, which is only a federal misdemeanor. See Wilson v. Ashcroft, 350 F.3d 377, 381–82 (3d Cir.2003), see also Pantlitz-Wilkinson v. Atty. Gen., 598 F. App'x 129 (3d Cir. 2015). 30 grams or less personal-use exception: Matter of Dominguez-Rodriguez, 26 I&N Dec. 408 (BIA 2014) - the statute said 1 ounce and yet 1 ounce is 28.5 grams, so if someone is convicted for more than 1 ounce, they could still be under the 30 grams or less - BIA said need circumstance-specific inquiry to determine how much marijuana involved, but places burden on DHS (clear and convincing) and rejects modified categorical. The Second Circuit has held that "an ounce, or roughly 30 grams (28.35 in point of fact), is a 'small amount' of marijuana within the meaning of 21 U.S.C. § 841(b)(4)." Hylton v. Sessions, 897 F.3d 57, 59 (2d Cir. 2018). Strategy: "distributing" a small amount of any CDS for no remuneration in NJ can be argued as sharing, and therefore only joint possession. State v. Lopez, 359 N.J. Super. 222 (Certification granted by, in part State v. Garcia, 177 N.J. 576, 832 A.2d 326, 2003 N.J. LEXIS 1294 (2003), appeal dismissed by State v. Garcia, 178 N.J. 372, 840 A.2d 257, 2003 N.J. LEXIS 1740 (2003). Also, NOW, the only parts of marijuana distribution which remains illegal in NJ is anything over 6 oz (and not in a dispensary). The bigger issue is that because marijuana is still illegal federally, a dispensary or its personnel can be charged federally. [TIP – we sometimes plea people to sharing the CDS to get a factual to the "distribution", so that could be a strategy to avoiding a finding of selling the CDS for immigration purposes.]
Comprehensive Drug Reform Act of 1987	**2C:35-5.2**	**YES**	**YES**	**YES**: CSO	Lopez v. U.S. Att'y Gen., 914 F.3d 1292 (11th Cir. 2019) see also Coelho Gomes v. Att'y Gen., 820 F. App'x 142 (3d Cir. 2020)
Comprehensive Drug Reform Act of 1987	**2C:35-5.3**	Depends; see Comments	**MIGHT**	**MIGHT**	The Third Circuit noted that the CSA punishes drug possession offenses as misdemeanors, that is, by one year's imprisonment or less, except for repeat offenders, persons who possess more than 5 grams of cocaine base, persons who possess flunitrazepam, and persons who possess with intent to distribute. Lopez v. Gonzales, 549 U.S. 47, 54 (2006) (citing 21 U.S.C. § 844(a)). see also Carachuri-Rosendo v. Holder, 560 U.S. 563, 130 S. Ct. 2577, 177 L. Ed. 2d 68 (2010)
Comprehensive Drug Reform Act of 1987	**2C:35-5.3a**	**MIGHT**	**MIGHT**	**MIGHT**: CSO	
Comprehensive Drug Reform Act of 1987	**2C:35-5.3b**	**MIGHT**	**MIGHT**	**MIGHT**: CSO	
Comprehensive Drug Reform Act of 1987	**2C:35-5.3c**	**MIGHT**	**MIGHT**	**MIGHT**: CSO	Espinoza v. Att'y Gen., 742 F. App'x 666 (3d Cir. 2018) - render removable
Drug Offender Restraining Order	**2C:35-5.4**	Short Title			

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Act of 1999					
Drug Offender Restraining Order Act of 1999	**2C:35-5.5**	Legislative findings and declarations			
Drug Offender Restraining Order Act of 1999	**2C:35-5.6**	Definitions			
Drug Offender Restraining Order Act of 1999	**2C:35-5.7**	Restraining orders; certain released persons			
Drug Offender Restraining Order Act of 1999	**2C:35-5.8**	Violation of order, sanctions			
Drug Offender Restraining Order Act of 1999	**2C:35-5.9**	Restraining orders, certification of location of offense			
Drug Offender Restraining Order Act of 1999	**2C:35-5.10**	Discretion in seeking restraining order			
Drug Offender Restraining Order Act of 1999	**2C:35-5.11**	Fines imposed for possession or distribution of certain drugs			
Controlled Substances	**2C:35-6**	**YES**	**PROBABLY**	**MIGHT**: CSO	
Controlled Substances	**2C:35-7**	**PROBABLY**. The BIA treats this offense as a drug-trafficking AF; the Third Circuit has not resolved the question, and the Second Circuit has held otherwise (see Comments). Advise as an AF.	**PROBABLY**	**YES**: CSO, where the record identifies a federally controlled substance.	**UPDATE (2026):** *Matter of Rosa*, 27 I&N Dec. 228 (BIA 2018), held possession with intent to distribute cocaine within 1,000 feet of a school under 2C:35-7 an AF. On review, *Rosa v. Att'y Gen.*, 950 F.3d 67 (3d Cir. 2020), held that the proper federal comparator is the closest analog, 21 U.S.C. § 860, gave the BIA no deference, and remanded because the record did not show whether the statute's alternatives are means or elements; *Tokpah v. Att'y Gen.*, 859 F. App'x 619 (3d Cir. 2021) (non-precedential), vacated a BIA decision that used § 841(a)(1) as the comparator. In *Stankiewicz v. Garland*, 103 F.4th 119 (2d Cir. 2024), the Second Circuit held a 2C:35-7 conviction *not* an AF: the statute is broader than § 860 (it covers dispensing and school buses) and than § 841 (it reaches distribution of an ounce or less of marijuana without remuneration), and it is indivisible by drug type. *Stankiewicz* is persuasive only in the Third Circuit and does not address the CSO ground. **Tips:** Do not rely on *Stankiewicz* in plea advice. A plea to 2C:35-7 should be treated as an AF and a CSO unless the client will be in proceedings within the Second Circuit, and even then counsel should assume the government will

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
					contest the issue. The Third Circuit determined that the Federal School Zone statute is the proper generic analog for this conviction under the New Jersey School Zone Statute, and the Court also reviewed limited class of underlying documents to determine divisibility. The court determined that distributing and dispensing are interchangeable means, while possession with the intent to distribute on a school property "may indicate that the conduct consists of different elements that the jury must find beyond a reasonable doubt." The matter was remanded for further proceedings to supplement the record. The court stated that if the record cannot be supplemented to satisfy the "demand for certainty" in analyzing whether the statute list means or element, Rosa cannot be found to have committed an aggravated felony. Rosa v. Att'y Gen., 950 F.3d 67, 81 (3d Cir. 2020). The third circuit previously found that a conviction of aggravated felony could not be concluded for this statute for similar reasons set forth in Rosa, Chang-Cruz v. Att'y Gen., 659 F. App'x 114 (3d Cir. 2016).
Controlled Substances	**2C:35-7a**	Review of sentence for violation of drug-free school zones provisions			
Controlled Substances	**2C:35-7.1**	**MIGHT**	**PROBABLY**	**YES**: CSO	Rosa may apply here as well. Possession of exactly an ounce of marijuana would qualify as a second-degree offense pursuant to § 2C:35-7.1 because a third-degree conviction covers only "less than one ounce of marijuana." N.J. Stat. Ann. § 2C:35-7.1(a). But, based on our definition in Hylton, exactly one ounce of marijuana (if distributed for no remuneration) is not a felony under federal law because an ounce is a small amount of marijuana. See Hylton, 897 F.3d at 59. Accordingly, the minimum conduct for conviction in the second degree under N.J. Stat. Ann. § 2C:35-7.1 is not a felony under the CSA. See Martinez v. Mukasey, 551 F.3d 113, 121 (2008) ("[T]he sole ground for determining whether an immigrant was convicted of an aggravated felony is the minimum criminal conduct necessary to sustain a conviction under a given statute."). Though the mismatch may be small, the categorical approach allows for no such disjunction, and as a result a second-degree offense under § 2C:35-7.1 is not a categorical match to 21 U.S.C. § 841(a)(1). Smith v. Barr, 809 F. App'x 54 (2d Cir. 2020)
Controlled Substances	**2C:35-8**	Distribution to persons under age 18, enhanced punishment			
Controlled Substances	**2C:35-9**	**MIGHT**	**PROBABLY**	**PROBABLY**. A CSO if record of conviction establishes a controlled substance as defined in 21 U.S.C. § 802.	
Controlled Substances	**2C:35-10**	**PROBABLY NOT** for simple possession (not a drug-trafficking AF;	**PROBABLY NOT** for simple possession.	**YES**: CSO wherever the record identifies a federally controlled	**UPDATE (2026):** *Matter of Laguerre*, 28 I&N Dec. 437 (BIA 2022), held that the identity of the controlled dangerous substance is an element of 2C:35-10(a)(1), so the statute is divisible by substance and the record may be consulted; the

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
		Lopez v. Gonzales, 549 U.S. 47 (2006)), subject to the flunitrazepam and charged-recidivism exceptions.		substance, including subsections (b) (under the influence) and (c) (failure to make lawful disposition). The only statutory exception is a single offense of possession of 30 grams or less of marijuana for one's own use (deportability only).	respondent was removable where the record showed cocaine. *Hillocks v. Att'y Gen.*, 934 F.3d 332 (3d Cir. 2019) (categorical approach applies to the controlled-substance ground). Municipal-court dispositions under subsection (c) and conditional discharges entered with a plea or statement of possession are frequently treated as CSO convictions; immigration judges routinely request the plea transcript. **Tips:** Seek a conditional discharge (2C:36A-1) without any guilty plea, factual basis, or admission; never allow the client to admit possession to exculpate another person. A first marijuana-possession offense of 30 grams or less avoids deportability (not inadmissibility, though a § 212(h) waiver may be available). Generally speaking, simple possession…of a controlled substance is not a CIMT if the statute is written as a regulatory provision (i.e., without specific intent)." Matter of Abreu-Semino, 12 I&N Dec. 775 (BIA 1968) In the 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 "drug trafficking" AF (see Gerbier v. Holmes, 280 F.3d 297 (3d Cir. 2002), Steele v. Blackman, 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 "drug trafficking" AF (see Yanez-Garcia, 23 I&N Dec. 390 (BIA 2002)). The Third Circuit has criticized the BIA's treatment of a disorderly persons offense as a conviction. Castillo v. Att'y Gen., 729 F.3d 296 (3d Cir. 2013). In Kwok Sum Wong, the court questioned whether a NJ DP is a conviction for immigration purposes and remanded for consideration. Kwok Sum Wong v. Barr, 818 F. App'x 44 (2d Cir. 2020).
Controlled Substances	**2C:35-10a**	Permitted activities relating to personal use of cannabis items			
Controlled Substances	**2C:35-10b**	Permitted activities by cannabis licensees			
Controlled Substances	**2C:35-10c**	Criminal investigations, acts or events constituting reasonable suspicion			
Controlled Substances	**2C:35-10d**	**PROBABLY**	**MIGHT**	**YES**: CSO	
Controlled Substances	**2C:35-10.2**			**MIGHT**: CSO	Coelho Gomes v. Att'y Gen., 820 F. App'x 142 (3d Cir. 2020)
Controlled Substances	**2C:35-10.3**	**MIGHT**	**MIGHT**	**MIGHT**: CSO	With a few exceptions, the CSA punishes drug possession offenses as misdemeanors (that is, by one year's imprisonment or less, cf. 18 U.S.C. § 3559(a)), see 21 U.S.C. § 844(a) (providing for "a term of imprisonment of not more than 1 year" for possession offenses except for repeat offenders, persons who possess more than five grams of cocaine base, and persons who possess

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
					flunitrazepam), and trafficking offenses as felonies, see § 841 (2000 ed. and Supp. III). 1st offense of simple possession of most controlled substances is a misdemeanor in federal law (21 U.S.C. § 844(a)); BUT exception for flunitrazepam (date rape drug) is treated as a felony under CSA and is therefore AF (same statute)
Controlled Substances	**2C:35-10.3a**	**MIGHT**	**MIGHT**	**MIGHT**: CSO	18 U.S.C. § 3559(a)), see 21 U.S.C. § 844(a) (providing for "a term of imprisonment of not more than 1 year" for possession offenses except for repeat offenders, persons who possess more than five grams of cocaine base, and persons who possess flunitrazepam), and trafficking offenses as felonies, see § 841
Controlled Substances	**2C:35-10.4**	**MIGHT**	**MIGHT**	**MIGHT**: CSO	18 U.S.C. § 3559(a)), see 21 U.S.C. § 844(a) (providing for "a term of imprisonment of not more than 1 year" for possession offenses except for repeat offenders, persons who possess more than five grams of cocaine base, and persons who possess flunitrazepam), and trafficking offenses as felonies, see § 841 (2000 ed. and Supp. III).
Controlled Substances	**2C:35-10.5**	**MIGHT** (prior ed.: likely No)	**MIGHT**	**PROBABLY NOT**: Not a CSO	Legend drugs are not controlled substance violations in INA since they don't involve controlled substances Re: prescription drugs - that same Borrome v. Att'y Gen., 687 F.3d 150 (3d Cir. 2012) held violation of FDCA is not AF even if the underlying substances at issue also qualify as controlled substances under the CSA
Controlled Substances	**2C:35-11**	**MIGHT**	**MIGHT**	**MIGHT**: CSO	BIA held delivery of a simulated controlled substance is a law "relating to" CS and thus removable (Matter of Sanchez-Cornejo, 25 I&N Dec. 273 (BIA 2010));
Controlled Substances	**2C:35-11.1**	**PROBABLY NOT**	**YES**	**MIGHT**: CSO	In re Gurpreet Singh, No.: AXXX XX5 541 - YOR, 2017 WL 3382762 (DCBABR May 26, 2017)
Controlled Substances	**2C:35-11.2**	Restrictsion upon conviction, conducting business within the State			
Controlled Substances	**2C:35-12**	Waiver of mandatory minimum and extended terms			
Controlled Substances	**2C:35-13**	**MIGHT** (prior ed.: likely No)	**PROBABLY**	**PROBABLY**: CSO	
Controlled Substances	**2C:35-14**	Rehabilitation program for drug and alcohol dependent persons			
Controlled Substances	**2C:35-14.1**	Mandatory professional diagnostic assessments for certain crimes			
Controlled Substances	**2C:35-14.2**	Determination as to drug dependency status prior to sentencing			

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Controlled Substances	**2C:35-14.3**	Administrative Director of the Courts' duty relative to special probation phase-in			
Controlled Substances	**2C:35-15**	Mandatory drug enforcement and demand reduction penalties			
Controlled Substances	**2C:35-16**	Forfeiture or postponement of driving privileges			
Controlled Substances	**2C:35-16.1**	Conviction of drug related offense taking place upon leased residential premises			
Controlled Substances	**2C:35-17**	Exception to physician-patient privilege			
Controlled Substances	**2C:35-18**	Exemption, burden of proof			
Controlled Substances	**2C:35-19**	Laboratory certificates			
Controlled Substances	**2C:35-20**	Forensic laboratory fees			
Controlled Substances	**2C:35-21**	Seizure in violation of chapter, pretrial destruction of bulk seizures of controlled dangerous substances			
Controlled Substances	**2C:35-22**	Severability			
Controlled Substances	**2C:35-23**	Pending cases			
Controlled Substances	**2C:35-23.1**	Dismissal of pending cases relating to cannabis use			
Controlled Substances	**2C:35-24**	**MIGHT** (prior ed.: likely No)	**MIGHT** (prior ed.: likely No)	**MIGHT**: CSO	
Controlled Substances	**2C:35-25**	**PROBABLY**	**PROBABLY**	**YES**: CSO	In Daas v. Holder, the LPR was supplying large quantities of over-the-counter decongestants, Mini–Thins and Pseudo Thins, which contained the "listed chemicals" ephedrine and pseudoephedrine. Ephedrine and pseudoephedrine are precursor chemicals used to manufacture methamphetamine, a "controlled substance." a Controlled Substances Act (CSA) offense proscribing anyone from "possess[ing] or distribut[ing] a listed chemical knowing, or having reasonable cause to believe, that the listed chemical will be used to manufacture a controlled substance." The court held that alien's conviction for distributing ephedrine and pseudoephedrine with reasonable cause to believe they would be used to manufacture methamphetamine qualified as "drug trafficking crime," and thus constituted "aggravated felony" for purposes of

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
					removal under INA. Daas v. Holder, 620 F.3d 1050 (9th Cir. 2010).
Controlled Substances	**2C:35-26**	Reporting loss of ephedrine products to law enforcement authorities			
Controlled Substances	**2C:35-27**	Possession of certain amounts of ephedrine products to give rise to permissive inference of purpose to create methamphetamine			
Controlled Substances	**2C:35-28**	**YES**		**YES**: CSO	
Controlled Substances	**2C:35-29**	Industrial use of chemicals			
Controlled Substances	**2C:35-30**	Medical assistance sought for persons experiencing a drug overdose, etc.			
Controlled Substances	**2C:35-31**	Persons experiencing a drug overdose and seeking immediate medical attention			

2C:35A – Anti-Drug Profiteering Act

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Anti-Drug Profiteering Act	**2C:35A-1**	Short Title			
Anti-Drug Profiteering Act	**2C:35A-2**	Policy Statement			
Anti-Drug Profiteering Act	**2C:35A-3**	Penalty			
Anti-Drug Profiteering Act	**2C:35A-4**	Calculation of Penalty			
Anti-Drug Profiteering Act	**2C:35A-5**	Revocation of Penalty			
Anti-Drug Profiteering Act	**2C:35A-6**	Payment Schedule			
Anti-Drug Profiteering Act	**2C:35A-7**	Relation to other dispositions			
Anti-Drug Profiteering Act	**2C:35A-8**	Collection and distribution			

2C:35B – Drug Dealer Liability Act

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Drug Dealer Liability Act	**2C:35B-1**	Short Title			
Drug Dealer Liability Act	**2C:35B-2**	Legislative findings and declarations			
Drug Dealer Liability Act	**2C:35B-3**	Definitions			
Drug Dealer Liability Act	**2C:35B-4**	Liability for marketing of controlled substances			
Drug Dealer Liability Act	**2C:35B-5**	Plaintiff recovery			
Drug Dealer Liability Act	**2C:35B-6**	Cause of action			
Drug Dealer Liability Act	**2C:35B-7**	Third party, damages, public agency			
Drug Dealer Liability Act	**2C:35B-8**	Liability for marketing of controlled substances			
Drug Dealer Liability Act	**2C:35B-9**	Plaintiffs joinder			
Drug Dealer Liability Act	**2C:35B-10**	Comparative responsibility			
Drug Dealer Liability Act	**2C:35B-11**	Liability and contribution			
Drug Dealer Liability Act	**2C:35B-12**	Liability and burden of proof			
Drug Dealer Liability Act	**2C:35B-13**	Potential award, attachment order			
Drug Dealer Liability Act	**2C:35B-14**	Cause of action, accrual, statue of limitations			
Drug Dealer Liability Act	**2C:35B-15**	Cause of action and stay			
Drug Dealer Liability Act	**2C:35B-16**	Judgment, satisfaction			

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Drug Dealer Liability Act	**2C:35B-17**	Retroactivity			

2C:36 – Drug Paraphernalia

Chapter note: Paraphernalia offenses are CSOs only if tied to a federally controlled substance. *Mellouli v. Lynch*, 575 U.S. 798 (2015). Conservative advice: assume the government will try to establish the substance from the record.

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Drug Paraphernalia	**2C:36-1**	Definition			
Drug Paraphernalia	**2C:36-2**	**PROBABLY NOT**	**PROBABLY NOT**	**PROBABLY**: CSO. *Mellouli* provides an argument where the record does not tie the paraphernalia to a federally controlled substance (see Comments).	**UPDATE (2026):** Under *Mellouli v. Lynch*, 575 U.S. 798 (2015), a paraphernalia conviction is a CSO only if the government connects an element of the conviction to a federally controlled substance. New Jersey's schedules have at times included substances not federally controlled, which supports the argument. But the BIA's divisibility-by-substance decisions (*Laguerre*; *Frias Ulloa*) show that the agency will consult the record where it can. Keep any reference to a specific drug out of the complaint amendment, plea, and judgment. BIA held possession of drug paraphernalia may be CSO "if accompanied by the use, or the intended use, of the drug paraphernalia for drug-related purposes" (Matter of Pacheco-Ventura, 2003 WL 23508549 (BIA Dec. 29, 2003); that applies here with this statute; however, S. Ct. held in Mellouli v. Lynch, 135 S. Ct. 1980 (2015) that if the state and federal controlled substance lists are not categorical matches and where the record did not identify a controlled substance, the conviction was not categorically a controlled substance violation; therefore, here, as the controlled substance list for NJ is not a categorical match to the federal list, defendant can argue no CSO
Drug Paraphernalia	**2C:36-3**	**PROBABLY NOT**	**PROBABLY NOT**	**MIGHT**: CSO	
Drug Paraphernalia	**2C:36-4**	**PROBABLY NOT**	**PROBABLY NOT**	**MIGHT**: CSO	
Drug Paraphernalia	**2C:36-5**	**PROBABLY NOT**		**MIGHT**: CSO	*no cases involving minor*
Drug Paraphernalia	**2C:36-6**	**PROBABLY NOT**	**PROBABLY NOT**	**MIGHT**: CSO	BIA held possession of drug paraphernalia may be CSO "if accompanied by the use, or the intended use, of the drug paraphernalia for drug-related purposes" (Matter of Pacheco-Ventura, 2003 WL 23508549 (BIA Dec. 29, 2003); that applies here with this statute; however, S. Ct. held in Mellouli v. Lynch, 135 S. Ct. 1980 (2015) that if the state and federal controlled substance lists are not categorical matches and where the record did not identify a controlled substance, the conviction was not categorically a controlled substance violation; therefore, here, as the controlled substance list for NJ is not a categorical match to the federal list, defendant can argue no CSO
Drug Paraphernalia	**2C:36-6a**	Exemption for participants in sterile syringe access program			
Drug Paraphernalia	**2C:36-6.1**	**PROBABLY NOT**	**PROBABLY NOT**	**MIGHT**: CSO	
Drug Paraphernalia	**2C:36-6.2**	**PROBABLY NOT**	**PROBABLY NOT**	**MIGHT**: CSO	Federal law makes it a felony for any person to "(1) sell or offer for sale drug paraphernalia; (2) to use the mails or any other facility of interstate commerce to transport drug paraphernalia; or (3) to import or export drug paraphernalia."

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
					21 U.S.C. § 863(a) (2006).
Drug Paraphernalia	**2C:36-6.3**	Affirmative Defense			
Drug Paraphernalia	**2C:36-7**	Seizure in violation of chapter			
Drug Paraphernalia	**2C:36-8**	Severability			
Drug Paraphernalia	**2C:36-9**	Pending Cases			
Defraud Administration of a Drug Test	**2C:36-10**	**MIGHT** (prior ed.: likely no)	**PROBABLY**	**PROBABLY NOT**	The BIA has consistently held that held that moral turpitude refers generally to conduct that is inherently base, vile, or depraved, and contrary to the accepted rules of morality and the duties owed between persons or to society in general. Matter of L-V-C-, Interim Decision 3382 (BIA 1999); Matter of Tran, 21 I&N Dec. 291 (BIA 1996); Matter of Danesh, 19 I&N Dec. 669 (BIA 1988);
Defraud Administration of a Drug Test	**2C:36-11**	**MIGHT** (prior ed.: likely no)	**PROBABLY**	**PROBABLY NOT**	In deciding whether a crime involves moral turpitude, we must first examine the statute itself to determine whether the inherent nature of the crime involves moral turpitude. See Matter of Short, supra; Matter of Esfandiary, 16 I&N Dec. 659 (BIA 1979). If the statute defines a crime in which moral turpitude necessarily inheres, then the conviction is for a crime involving moral turpitude for immigration purposes, and the analysis ends. While there are no cases regarding defrauding the administration of a drug test, these statutes all contains a crime of moral turpitude based on the intent to defraud and falsify the drug test/screening. “Where fraud or forgery is involved, it is clear that a finding of moral turpitude is required.” Matter of A--, 5 I&N Dec. 52, 53 (BIA 1953) (citing Jordan v. George, 341 U.S. 223 (1951) (holding where fraud is a component of the crime, the crime involves moral turpitude)).
Defraud Administration of a Drug Test	**2C:36-12**	**MIGHT** (prior ed.: likely no)	**PROBABLY**	**PROBABLY NOT**	
Defraud Administration of a Drug Test	**2C:36-13**	**MIGHT** (prior ed.: likely no)	**PROBABLY**	**PROBABLY NOT**	
Defraud Administration of a Drug Test	**2C:36-14**	**MIGHT** (prior ed.: likely no)	**PROBABLY**	**PROBABLY NOT**	

2C:36A – Conditional Discharge for Certain Offenses

Chapter note: A conditional discharge is not a conviction only if entered without a guilty plea, factual basis, or admission. Any admission of possession (including a statement made to exculpate another person) can also support CSO inadmissibility as an admission of the elements. Obtain and preserve the transcript.

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Conditional Discharge for Certain 1st Offenses	**2C:36A-1**	Proceedings and Rules			The AAO finds that applicant's twelve month supervisory treatment is a restraint on his liberty that satisfies the second prong of section 101(a)(48)(A) of the Act. However, there is no evidence that a judge or jury has found him guilty or he has entered a plea of guilt or nolo contendere or has admitted sufficient facts to warrant a finding of guilt, as required by the first prong of section 101(a)(48)(A) of the Act. It can thus be concluded that the criminal charges against the applicant have been dismissed. Since this offense did not result in a conviction within the definition of section 101(a)(48)(A) of the Act, we cannot find that it constitutes a conviction of an offense related to controlled substances. 2013 Immig. Rptr. LEXIS 8289, 10-12 (Immig. Rptr. 2013). Therefore, a guilty plea under CD is a problem, while no guilty plea is not.

2C:37 – Gambling

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Gambling	**2C:37-1**	The section provides definitions for relevant words that are included in the various sections described in the chapter. There is no generic federal definition for gambling. However, 8 U.S.C.S § 1101(f)(4) precludes "a finding of good moral character where it is establish that the alien… derives his income principally from illegal gambling; has two or more gambling convictions. ." Additionally, 8 U.S.C.S § 1101(a)(43)(J) provides that the term aggravated felony includes an offense described in 18 U.S.C.S. § 1955, which1 is related to gambling offenses, for which a sentence of one year imprisonment or more may be imposed" is an aggravated felony. Matter of Gaglioti, 10 I&N Dec. 719 (BIA 1964), the BIA has held that gambling offenses typically do not involve crimes involving moral turpitude, and the BIA noted the precedent in a footnote in its recent decision in Matter of Vella, 27 I&N Dec. 138, 139 & n.2 (BIA 2017). In 2006, the BIA held that a conviction under Arkansas Code for operating a gambling house, which is a felony under state law that is punishable by up to three years in prison was an "offense described in" 18 U.S.C. § 1955. BIA stated, "whether it be operating a gambling house directly, exhibiting and setting up gambling devices, or furnishing the financial resources for maintaining such a house or devices- would entail the conduct of a gambling business within the meaning of section 1955(a).			
Gambling Offense	**2C:37-2**	**PROBABLY**	**MIGHT** (prior ed.: probably not)	**PROBABLY NOT**	This is a divisible statute which allows courts to use the modified categorical approach. Therefore, what is plead to on the record of conviction is typically considered and can be used when determining deportability; in comparison with 18 U.S.C. § 1955, one should argue that the statute is overbroad
Gambling Offense	**2C:37-3**	**PROBABLY**	**MIGHT** (prior ed.: probably not)	**PROBABLY NOT**	Matter of S-, 9 I&N Dec. 688, 696 (BIA 1962) indicates that "gambling and owning and operating a gambling establishment and being a common gambler under sections 970 and 973 of the New York Penal Code are not crimes involving moral turpitude," and Matter of Gaglioti, 10 I&N Dec. 719, 720 (BIA 1964) states that "[v]iolations of gaming laws do not ordinarily involve moral turpitude." The reason for this is in part based upon the legality of gambling itself in many states, such as Kentucky, Illinois, Maryland, Nevada and New Jersey. "People have a legal right to gamble until the Legislature specifically decrees otherwise and such right cannot be restricted to special forms or certain classes of people" (People v. Revolta (1937) 295 N.Y.S. 102).
Gambling Offense	**2C:37-4**	**PROBABLY**	**MIGHT** (prior ed.: probably not)	**PROBABLY NOT**	
Gambling Offense	**2C:37-4.1**	**PROBABLY**	**MIGHT** (prior ed.: probably not)	**PROBABLY NOT**	
Gambling Offense	**2C:37-5**	Presumption			
Lottery Offense	**2C:37-6**	No Defense			
Lottery Offense	**2C:37-6.1**	Out of state			
Gambling Offense	**2C:37-7**	**MIGHT** (prior ed.: likely not)	**MIGHT** (prior ed.: probably not)	N/A	This section is a disorderly persons offense and it does not describe any conduct that will be regarded as "reckless" or with evil intent that is "inherently base, vile, or depraved"
Gambling Offense	**2C:37-8**	Jurisdiction			
Nonapplicability	**2C:37-9**	Nonapplicability			

2C:38 – Terrorism

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
"September 11, 2001 Anti-Terrorism Act"	**2C:38-1**	This section mentions that these sections may be cited as "September 11th, 2001, Anti-Terrorism Act." Generally, any alien who seeks to enter the United States to engage in terrorism, or who has been conviction after admission is inadmissible or deportable. See 8 U.S.C. 1182(a)(3)(A); 8 U.S.C. 1182(a)(3)(B); 8 U.S.C. 1227(a)(4)(B), Additionally, the alien would be subject to mandatory detention for suspected terroristic activity pursuant to 8 U.S.C.A. § 1226a. 8 U.S.C. 1182(a)(3)(B) states "any alien who has engaged in terrorist activity, incited terrorist activity, is a representative of a terrorist organization or a group that endorses or espouses terrorist activity, is a member of a terrorist organization, endorses or espouses or persuades others to engage in terrorist activity or support a terrorist organization, or who the immigration authorities knows or reasonably believes is engaged in or is likely to engage after entry in any terrorist activity is inadmissible."			
Crime of Terrorism	**2C:38-2**	**PROBABLY**. As a crime of violence	**PROBABLY**. A CIMT	**MIGHT**. Under 237(a)(4)(A) or (B) - Security and related grounds, including terrorist activities	The BIA has long held in precedent decisions that offenses involving the intentional transmission of threats of violence are categorical CIMTs. Matter of Ajami, 22 I&N Dec. 949, 952 (BIA 1999); Matter of F-, 3 I&N Dec. 361, 362, 363 (C.O. 1948, BIA 1949). See also In re Jhonathan Victoria Javier, No.: AXXX XX3 967 - YOR, 2015 WL 5173541 (DCBABR Aug. 19, 2015). Recently, the BIA found that conviction of terrorizing in the Guam is not a CIMT, because the is no requirement to prove fear. Whereas in NJ, the words and conduct must be of such a nature that it would lead a reasonable person to believe there was a genuine threat to the commit the underlying crime, which would in fact render the act a CIMT in accordance with previous BIA decisions. In re Erty Eidaro A.K.A. Erty Eitaro, No.: AXXX XX9 774 - HOL, 2018 WL 1872033 (DCBABR Jan. 19, 2018); Matheus v. Att'y Gen, 757 F. App'x 803 (11th Cir. 2018) - 237(a)(4)(A)(i) requires no conviction, but only that "has engaged" in activity that would violate or evade U.S. laws
Crime of Terrorism	**2C:38-3**	**MIGHT**	**PROBABLY**	**MIGHT** (prior ed.: most likely not a firearms offense since statute is not a categorical match to federal definition of "firearm" (including "destructive device") in 18 U.S.C. § 921(a)(4); possibly under 237(a)(4) for security and related grounds)	18 U.S.C.A. § 229(a): Prohibited Activities includes "to develop, produce, otherwise acquire, transfer directly or indirectly, receive, stockpile, retain, own, possess, or use, or threaten to use, any chemical weapons. ." 18 U.S.C.A. § 831: prohibited transactions involving nuclear material 18 U.S.C.A. § 2332i: acts of nuclear terrorism 18 U.S.C. § 175(a), which prohibits possession of "any biological agent, toxin, or delivery system for use as a weapon"
Crime of Terrorism	**2C:38-4**	**PROBABLY**	**PROBABLY**	**MIGHT**. Under 237(a)(4)(A) or (B) - Security and related grounds, including terrorist activities	AF: In re Jose Luis Corrales-Navarro A.K.A. Luis Corrales A.K.A. Jose Corrales A.K.A. Jose Luis Corrales A.K.A. Jose Luis Navarro Corrales, No.: AXXX-XX1-318 - FLO, 2019 WL 2160110 (DCBABR Feb. 1, 2019): hindering prosecution CIMT: In re Gildardo Cazarez-Chavez, No.: AXX XX2 914 - SEAT, 2006 WL 2427923 (DCBABR July 20, 2006): hindering prosecution // concealing criminal activity involves moral turpitude
Crime of Terrorism	**2C:38-5**	**MIGHT** (prior ed.: likely No)	**MIGHT** (prior ed.: likely No)	**MIGHT**. Under 237(a)(4)(A) or (B) - Security and related grounds, including terrorist	RENDER CLIENT INADMISSIBLE -- Singh-Kaur v. Ashcroft, 385 F.3d 293 (2004), the court found that "provision of food to, and setting up of shelter for, persons who alien knows or reasonably should know have committed or plan to commit terrorist activity constitutes affording "material support" for such

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
				activities	persons under Immigration and Nationality Act (INA), which renders the alien inadmissible. See also Sesay v. Att'y Gen., 787 F.3d 215 (3d Cir. 2015); There are other instances where the BIA and Courts of Appeals have repeatedly upheld findings that an alien's support was material, even if it was relatively low-level. See Bojnoordi v. Holder, 757 F.3d 1075, 1078 (9th Cir.2014) (upholding finding of material support because the alien "passed out flyers, wrote articles, and trained [a terrorist group's] members on the use of guns in the mountains outside Tehran, knowing that this training would further [the terrorist group's] goals"); Viegas v. Holder, 699 F.3d 798, 803 (4th Cir.2012) (upholding finding of material support because the alien "paid dues and hung posters" for a terrorist group); Barahona v. Holder, 691 F.3d 349, 351–52, 356 (4th Cir.2012) (upholding finding of material support because the alien, under threat, allowed terrorists to use his kitchen, gave them directions through the jungle, and occasionally allowed them to stay overnight); Haile, 658 F.3d at 1129 (upholding finding of material support because the alien collected funds, passed along secret documents and supplied the terrorist organization with sugar, shoes, and cigarettes); Hussain v. Mukasey, 518 F.3d 534, 538 (7th Cir.2008) (upholding finding of material support because the alien recruited and solicited funds for a terrorist group); In re S–K–, 23 I&N Dec. 936, 945–46 (BIA 2006) (upholding finding of material support because the alien contributed a total of 1,100 Singapore dollars to a terrorist group). The BIA and Courts of Appeals have not squarely addressed whether a de minimis exception exists in the statute, although the BIA has held in a well-reasoned, not precedential opinion that assistance must be more than de minimis in order to give "material" some independent effect. See In re * * *, 2009 WL 9133770, at *2 (BIA July 10, 2009) (observing that even if the items taken from the alien, including "one packed lunch and the equivalent of about $4 U.S. dollars, which the terrorists expressly stated would be used to buy beer," constituted " 'support' for the terrorists, it cannot be said to be material"). Matheus v. Att'y Gen, 757 F. App'x 803 (11th Cir. 2018) - 237(a)(4)(A)(i) requires no conviction, but only that "has engaged" in activity that would violate or evade U.S. laws

2C:39 – Weapons and Firearms

Chapter note: A firearm offense requires a firearm or destructive device as defined in 18 U.S.C. § 921(a), which excludes antique firearms. New Jersey's definitions of "firearm" and "weapon" (N.J.S.A. 2C:39-1) are broader. In the Third Circuit, realistic-probability analysis does not apply where the elements differ (*Singh v. Att'y Gen.*, 839 F.3d 273 (3d Cir. 2016)), which supports overbreadth arguments; but the BIA and other circuits may require proof that New Jersey actually prosecutes antique-firearm cases. *Moncrieffe*. Conservative advice: treat firearm possession offenses as FOs, and treat offenses analogous to 18 U.S.C. § 922(g) (e.g., certain persons not to possess, 2C:39-7) and firearms trafficking as possible AFs under § 101(a)(43)(C) or (E).

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Prohibited Weapons and Devices	**2C:39-3(a)**	**MIGHT** (prior ed.: likely no due to the inclusion of Molotov-cocktail type devices)	**MIGHT** (prior ed.: likely no)	**MIGHT** (prior ed.: likely no for the same reason as it is likely not an AF.)	The definitions of "destructive device" are all means, not elements, so since the definition is broader than the federal one, it is likely not a deportable offense.
Prohibited Weapons and Devices	**2C:39-3**	**MIGHT**	**MIGHT** (prior ed.: likely no)	**YES**. It qualifies as a firearms offense under 8 U.S.C. § 1227(a)(2)(C).	The firearm offense ground of deportation is very broad, establishing deportability for a wide range of conduct in violation of any law. This likely qualifies.
Prohibited Weapons and Devices	**2C:39-3**	**MIGHT** (prior ed.: likely no)	**MIGHT** (prior ed.: likely no)	**MIGHT**: FO, if a silencer is considered a part.	
Prohibited Weapons and Devices	**2C:39-3(d)**	**PROBABLY**	**MIGHT** (prior ed.: likely no)	**PROBABLY**: FO	"Deface" means to remove, deface, cover, alter or destroy the name of the maker, model designation, manufacturer's serial number or any other distinguishing identification mark or number on any firearm.
Prohibited Weapons and Devices	**2C:39-3(e)**	**MIGHT** (prior ed.: likely no, since these are not firearms)	**MIGHT** (prior ed.: likely no)	**MIGHT**: FO. The provision at 8 U.S.C. § 1227(a)(2)(C) mentions weapons, not firearms. A conviction under this statute requires possession of a weapon in violation of a law.	
Prohibited Weapons and Devices	**2C:39-3(f)**	**MIGHT** (prior ed.: likely no)	**MIGHT** (prior ed.: likely no)	**MIGHT**: FO	
Prohibited Weapons and Devices	**2C:39-3(h)**	**MIGHT** (prior ed.: likely no)	**MIGHT** (prior ed.: likely no)	**MIGHT**: FO	
Prohibited Weapons and Devices	**2C:39-3(j)**	**MIGHT**	**MIGHT** (prior ed.: likely no)	**MIGHT**: FO	There are exceptions if the person has registered a corresponding firearm.
Prohibited	**2C:39-3(k)**	**MIGHT** (prior ed.: likely	**MIGHT** (prior ed.: likely	**MIGHT** (prior ed.: likely	There is no federal definition of "weapon," but handcuffs are unlikely to be

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Weapons and Devices		no)	no)	not FO)	considered weapons for mere possession statutes.
Prohibited Weapons and Devices	**2C:39-3(l)**	**MIGHT** (prior ed.: likely no)	**MIGHT** (prior ed.: likely no)	**MIGHT**: FO, if such a bump stock or trigger crank is considered a part.	
Prohibited Weapons and Devices	**2C:39-3(m)**	**MIGHT**. But the statute encompasses more than the federal laws enumerated in the INA	**MIGHT** (prior ed.: likely no)	**PROBABLY**: FO	
Prohibited Weapons and Devices	**2C:39-3(n)**	**YES**	**MIGHT** (prior ed.: likely no)	**PROBABLY**: FO	26 U.S.C.A. § 5861 is one of the enumerated aggravated felonies, and one of its provisions is possession of a firearm without a serial number.
Possession of Weapons for Unlawful Purposes	**2C:39-4(a)(1)**	**MIGHT**. But the federal law includes only intent to commit a felony with a term of imprisonment of 1 year or more (18 U.S.C. § 924(b))	**MIGHT**	**PROBABLY**: FO	
Possession of Weapons for Unlawful Purposes	**2C:39-4(a)(2)**	**MIGHT**	**MIGHT**. The gap-filler mens rea of knowing pushes this towards a CIMT	**PROBABLY**: FO	The term “community gun” means a firearm that is transferred among, between or within any association of two or more persons who, while possessing that firearm, engage in criminal activity or use it unlawfully against the person or property of another.
Possession of Weapons for Unlawful Purposes	**2C:39-4(b)**	**YES**	**PROBABLY**	**PROBABLY**: FO	
Possession of Weapons for Unlawful Purposes	**2C:39-4(c)**	**MIGHT** (prior ed.: possibly no, due to the inclusion of Molotov cocktail-type items)	**PROBABLY**	**PROBABLY**: FO	
Possession of Weapons for Unlawful Purposes	**2C:39-4(d)**	**MIGHT** (prior ed.: likely no, due to the exclusion of firearms. Since there is no element of attempted or threatened use of force here, it is likely not a crime of violence either.)	**PROBABLY**	**PROBABLY**: FO	
Possession of Weapons for Unlawful Purposes	**2C:39-4(e)**	**MIGHT** (prior ed.: likely no. The federal laws make no mention of imitation firearms.)	**MIGHT**	**MIGHT** (prior ed.: likely no, since an imitation firearm is not actually a weapon)	

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Possession of Weapons for Unlawful Purposes	**2C:39-4.1(a)**	**MIGHT**. But the included offenses are also likely to be considered aggravated felonies on their own as well.	**MIGHT**	**PROBABLY**: FO	
Possession of Weapons for Unlawful Purposes	**2C:39-4.1(b)**	**MIGHT** (prior ed.: likely no, but the included offenses likely are aggravated felonies)	**MIGHT**	**PROBABLY**: FO	
Possession of Weapons for Unlawful Purposes	**2C:39-4.1(c)**	**MIGHT** (prior ed.: likely no, but the included offenses likely are aggravated felonies)	**MIGHT**	**PROBABLY**: FO	
Unlawful Possession of Weapons	**2C:39-5(a)**	**YES**	**MIGHT** (prior ed.: likely no)	**PROBABLY**: FO	
Unlawful Possession of Weapons	**2C:39-5(b)(1)**	**PROBABLY**	**MIGHT** (prior ed.: likely no)	**PROBABLY**: FO, but still arguably not since antique firearms are excluded from federal law	In Matter of Ovidio Mendez-Orellana, 25 I&N Dec. 254 (BIA 2010), the Board said that the antique firearms exception is an affirmative defense, so the respondent must prove that the weapon was in fact an antique. The Third Circuit has neither adopted nor rejected this approach.
Unlawful Possession of Weapons	**2C:39-5(b)(2)**	**PROBABLY NOT**. This definition fails to meet the federal definition of "firearm," which is found at 18 U.S.C. § 921(a)(3), which requires that the expulsion be by means of explosion.	**MIGHT** (prior ed.: likely no)	**MIGHT** (prior ed.: likely No FO, since this section deals with weapons, not just firearms)	The New Jersey definition is overbroad: it includes air, spring, or elastic-powered weapons that shoot ammunition smaller than three-eighths of an inch in diameter while the federal definition does not. The second sentence of the New Jersey definition includes firearms where "the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air… ejecting a bullet or missile smaller than three-eighths of an inch in diameter, with sufficient force to injure a person." N.J.S.A. 2C:39-1(f). The District of New Jersey has found this to mean that the statute includes "B–B guns and pellet-firing air guns," which may be propelled by air or "a spring mechanism," and use ammunition as small as ".117 cal., 5 mm, or .22 cal." Coal. of New Jersey Sportsmen v. Florio, 744 F. Supp. 602, 605–06 (D.N.J. 1990).
Unlawful Possession of Weapons	**2C:39-5(c)(1)**	**MIGHT**	**MIGHT** (prior ed.: likely no)	**PROBABLY**: FO	
Unlawful Possession of Weapons	**2C:39-5(c)(2)**	**MIGHT** (prior ed.: likely no)	**MIGHT** (prior ed.: likely no)	**PROBABLY**: FO	
Unlawful Possession of Weapons	**2C:39-5(d)**	**MIGHT** (prior ed.: likely no)	**MIGHT** (prior ed.: likely no)	**MIGHT**: FO	

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Unlawful Possession of Weapons	**2C:39-5(e)(1)**	**MIGHT** (prior ed.: likely no)	**MIGHT** (prior ed.: likely no)	**PROBABLY**: FO	
Unlawful Possession of Weapons	**2C:39-5(e)(2)**	**MIGHT** (prior ed.: likely no)	**MIGHT** (prior ed.: likely no)	**MIGHT**: FO	
Unlawful Possession of Weapons	**2C:39-5(e)(3)**	**MIGHT** (prior ed.: likely no)	**MIGHT** (prior ed.: likely no)	**MIGHT** (prior ed.: likely no, since an imitation firearm is not actually a weapon)	
Unlawful Possession of Weapons	**2C:39-5(f)**	**PROBABLY**	**MIGHT** (prior ed.: likely no)	**PROBABLY**: FO	
Certain Persons Not to Have Weapons or Ammunition	**2C:39-7(a)**	**MIGHT** (prior ed.: likely No)	**MIGHT** (prior ed.: likely no)	**MIGHT**: FO	The criteria here closely match the description of 8 U.S.C. § 922(g)(1), (3), and (4), which are listed in the definition of "aggravated felony" at 8 U.S.C. § 1101(a)(43)(E)(ii). However, since the verbs are indivisible according to the jury instructions, an argument can be crafted that controlling the item is outside of the federal statute. However, most of the predicate offenses are aggravated felonies and/or CIMTs on their own, so removal could also be based on those convictions.
Certain Persons Not to Have Weapons or Ammunition	**2C:39-7(b)(1)**	**MIGHT** (prior ed.: likely No)	**MIGHT** (prior ed.: likely no)	**MIGHT**: FO	The criteria here closely match the description of 8 U.S.C. § 922(g)(1), (3), and (4), which are listed in the definition of "aggravated felony" at 8 U.S.C. § 1101(a)(43)(E)(ii). However, since the verbs are indivisible according to the jury instructions, an argument can be crafted that controlling the item is outside of the federal statute. However, most of the predicate offenses are aggravated felonies and/or CIMTs on their own, so removal could also be based on those convictions.
Certain Persons Not to Have Weapons or Ammunition	**2C:39-7(b)(2)**	**MIGHT** (prior ed.: likely no, as the predicate offense for an AF possession violation must have a term of imprisonment of more than 1 year)	**MIGHT** (prior ed.: likely no)	**MIGHT**. Also, the predicate domestic violence offense is a separate grounds of removal.	
Certain Persons Not to Have Weapons or Ammunition	**2C:39-7(b)(3)**	**MIGHT** (prior ed.: likely no)	**MIGHT** (prior ed.: likely no)	**PROBABLY**: FO	
Manufacture, Transport, Disposition and Defacement of	**2C:39-9(a)**	**MIGHT**	**MIGHT** (prior ed.: likely no)	**PROBABLY**: FO	

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Weapons and Dangerous Instruments and Appliances					
Manufacture, Transport, Disposition and Defacement of Weapons and Dangerous Instruments and Appliances	**2C:39-9(b)**	**MIGHT**	**MIGHT** (prior ed.: likely no)	**PROBABLY**: FO	
Manufacture, Transport, Disposition and Defacement of Weapons and Dangerous Instruments and Appliances	**2C:39-9(c)**	**MIGHT**. But since this is not a firearm, an argument can be made that it is not	**MIGHT** (prior ed.: likely No)	**MIGHT**: FO, if a silencer is considered a part of a weapon.	
Manufacture, Transport, Disposition and Defacement of Weapons and Dangerous Instruments and Appliances	**2C:39-9(d)**	**MIGHT** (prior ed.: likely no, since these are not firearms)	**MIGHT** (prior ed.: likely No)	**MIGHT** (prior ed.: likely Not FO)	This statute lists two separate offenses, so since it is divisible, it is listed here as two sections.
Manufacture, Transport, Disposition and Defacement of Weapons and Dangerous Instruments and Appliances	**2C:39-9(e)**	**MIGHT**	**MIGHT** (prior ed.: likely No)	**MIGHT**: FO	Although it is divisible, both altering the serial number and having a firearm with the serial number altered both count as aggravated felonies.
Manufacture, Transport, Disposition and Defacement of Weapons and Dangerous Instruments and Appliances	**2C:39-9(f)(1)**	**MIGHT** (prior ed.: likely No)	**MIGHT** (prior ed.: likely No)	**MIGHT** (prior ed.: likely No)	

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Manufacture, Transport, Disposition and Defacement of Weapons and Dangerous Instruments and Appliances	**2C:39-9(g)**	**PROBABLY**. As illicit trafficking in firearms	**MIGHT**	**PROBABLY**: FO	
Manufacture, Transport, Disposition and Defacement of Weapons and Dangerous Instruments and Appliances	**2C:39-9(h)**	**MIGHT**	**MIGHT**	**MIGHT**: FO	
Manufacture, Transport, Disposition and Defacement of Weapons and Dangerous Instruments and Appliances	**2C:39-9(i)**	**MIGHT**. But under Joseph v. Att'y Gen., 465 F.3d 123 (3d Cir. 2006), the lack of a financial element prevents this from being illicit trafficking	**MIGHT**	**PROBABLY**: FO	
Sale of Knife with Blade Length Over 5 Inches or Overall Length Over 10 Inches to Person Under 18	**2C:39-9.1**	**PROBABLY NOT**	**PROBABLY NOT**	**PROBABLY NOT**	
Sale of Handcuffs to Person Under Age 18; Disorderly Persons Offense	**2C:39-9.2**	**PROBABLY NOT**	**PROBABLY NOT**	**PROBABLY NOT**	
Manufacture, Transport, Disposition and Defacement of Weapons and Dangerous Instruments and Appliances	**2C:39-10(a)(1)**	**MIGHT**. Illicit trafficking, but arguably not since they are regulatory violations incorporated into the criminal code	**MIGHT** (prior ed.: likely no, since they are regulatory violations)	**MIGHT** (prior ed.: likely No FO)	Matter of Lopez Meza, 22 I&N Dec. 1188 (BIA 1999) said that regulatory offenses generally are not morally turpitudinous. See also Totimeh v. Att'y Gen., 666 F.3d 109 (3d Cir. 2012), indicating that regulatory offenses generally are not CIMTs.

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Violation of the Regulatory Provisions Relating to Firearms	**2C:39-10(a)(2)**	**MIGHT**. But likely no	**MIGHT** (prior ed.: likely no)	**MIGHT** (prior ed.: likely No FO)	Matter of Lopez Meza, 22 I&N Dec. 1188 (BIA 1999) said that regulatory offenses generally are not morally turpitudinous. See also Totimeh v. Att'y Gen., 666 F.3d 109 (3d Cir. 2012), indicating that regulatory offenses generally are not CIMTs.
Violation of the Regulatory Provisions Relating to Firearms	**2C:39-10(a)(4)**	**MIGHT**. But likely no	**MIGHT** (prior ed.: likely No)	**MIGHT** (prior ed.: likely No FO)	
Violation of the Regulatory Provisions Relating to Firearms	**2C:39-10(a)(5)**	**MIGHT** (prior ed.: likely no, unless such a solicitation or encouragement is considered an attempt to commit a firearm offense)	**MIGHT** (prior ed.: likely No)	**MIGHT** (prior ed.: likely No)	Matter of Lopez Meza, 22 I&N Dec. 1188 (BIA 1999) said that regulatory offenses generally are not morally turpitudinous. See also Totimeh v. Att'y Gen., 666 F.3d 109 (3d Cir. 2012), indicating that regulatory offenses generally are not CIMTs.
Violation of the Regulatory Provisions Relating to Firearms	**2C:39-10(b)**	**MIGHT** (prior ed.: likely no)	**MIGHT** (prior ed.: likely no)	**MIGHT**: FO	
Violation of the Regulatory Provisions Relating to Firearms	**2C:39-10(c)**	**MIGHT**. Under 26 U.S.C. § 5861(l)	**PROBABLY**	**MIGHT**: FO	
Violation of the Regulatory Provisions Relating to Firearms	**2C:39-10(d)**	**MIGHT** (prior ed.: likely No)	**PROBABLY**	**MIGHT**: FO	
Violation of the Regulatory Provisions Relating to Firearms	**2C:39-10(e)**	**MIGHT** (prior ed.: likely no)	**MIGHT**	**MIGHT**: FO	
Violation of the Regulatory Provisions Relating to Firearms	**2C:39-10(f)**	**MIGHT** (prior ed.: likely No)	**MIGHT**	**MIGHT**: FO	
Violation of the Regulatory Provisions Relating to Firearms	**2C:39-10(g)**	**MIGHT** (prior ed.: likely No)	**PROBABLY**. Due to the element of fraud	**MIGHT**: FO	
Pawnbrokers	**2C:39-11(a)**	**MIGHT** (prior ed.: likely no)	**MIGHT** (prior ed.: likely no)	**MIGHT**: FO	"Weapon" is an indivisible term, so it includes a large range of items that are not firearms. It includes a variety of knives and blunt instruments, and can even

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
					include many tools.
Pawnbrokers	**2C:39-11(b)**	**MIGHT** (prior ed.: likely no, but possibly illicit trafficking)	**MIGHT** (prior ed.: likely no)	**MIGHT**: FO	
Unlawful Use of Body Vests	**2C:39-13**	**MIGHT** (prior ed.: likely no, but the underlying offense may be an AF)	**MIGHT** (prior ed.: likely no, but the underlying offense may be an AF)	**MIGHT** (prior ed.: likely not, but the underlying offense might be another grounds of removal (like child abuse, domestic violence, or stalking))	As used in this section, “body vest” means bullet-resistant body armor which is intended to provide ballistic and trauma protection
Training, Practice or Instruction in Use, Application or Making of Firearm, Explosive Device or Technique Capable of Causing Injury for Illegal Activity	**2C:39-14(a)**	**MIGHT** (prior ed.: likely no)	**MIGHT** (prior ed.: likely no)	**MIGHT**: FO	This statute reaches instruction in fighting techniques, so it is not necessarily a weapons offense. It is still likely a CIMT due to the inclusion of the knowledge of its purpose. There are no Superior Court cases citing this statute to clarify its reach.
Training, Practice or Instruction in Use, Application or Making of Firearm, Explosive Device or Technique Capable of Causing Injury for Illegal Activity	**2C:39-14(b)**	**MIGHT** (prior ed.: likely no)	**MIGHT** (prior ed.: likely no)	**MIGHT**: FO	
Offer to Sell Machine Gun, Semi-Automatic Rifle or Assault Firearm by Advertisement in Newspaper without Statement of Necessity of License	**2C:39-15**	**MIGHT** (prior ed.: likely no)	**MIGHT** (prior ed.: likely no)	**MIGHT** (prior ed.: likely not FO)	This statute is only about what appears in an advertisement. It requires no actual illegal sale of a weapon.
Leader of Firearms Trafficking Network; Crime of the First Degree	**2C:39-16**	**PROBABLY**. As illicit trafficking in firearms	**PROBABLY**	**PROBABLY**: FO	

2C:40 – Miscellaneous

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Creating a Hazard	**2C:40-1**	**MIGHT** (prior ed.: likely no)	**MIGHT** (prior ed.: likely no)		Disorderly offense
Hazing; Aggravated Hazing	**2C:40-3**	**MIGHT**	**PROBABLY**		The statute states knowingly or recklessly placing or committing an act that results in danger of bodily injury or seriously bodily injury to another person. This is likely a CIMT and possibly an aggravated felony if sentence imposed is at least one year. The BIA has established that statutes punishing a reckless act to be a CIMT. The recklessness mens rea must be couple with the causation of serious bodily injury. See Matter of Fualaau, 21 I&N Dec. 475 (BIA 1996). Additionally, an assault with intent to do great bodily harm is a CIMT. See Matter of P, 3 I&N Dec. 5 (BIA 1947). The Third Circuit has established that an offender has committed a "crime of violence" if he acted with an intent to use force. Additionally, both subsections of this statute require the knowingly and recklessly mens rea that may deem a conviction under this statute a crime of violence. Singh v. Gonzales, 432 F.3d 533 (3d Cir. 2006)
Hazing	**2C:40-4**	Not a defense			
Hazing	**2C:40-5**	Definitions			
Definitions	**2C:40-6**	Definitions			
Portable, Oil Burning Heating Devices	**2C:40-7**	Certificate requirements			
Portable, Oil Burning Heating Devices	**2C:40-8**	Labeling requirements			
Portable, Oil Burning Heating Devices	**2C:40-9**	Instruction requirement			
Portable, Oil Burning Heating Devices	**2C:40-10**	Construction requirements			
Portable, Oil Burning Heating Devices	**2C:40-11**	Requirements			
Portable, Oil Burning Heating Devices	**2C:40-12**	Requirements			

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Portable, Oil Burning Heating Devices	**2C:40-13**	Requirements			
Portable, Oil Burning Heating Devices	**2C:40-14**	Regulations			
Portable, Oil Burning Heating Devices	**2C:40-15**	**MIGHT** (prior ed.: likely No)	**MIGHT** (prior ed.: likely No)		The Third Circuit has criticized the BIA's treatment of a disorderly persons offense as a conviction. Castillo v. Att'y Gen., 729 F.3d 296 (3d Cir. 2013). In Kwok Sum Wong, the court questioned whether a NJ DP is a conviction for immigration purposes and remanded for consideration. Kwok Sum Wong v. Barr, 818 F. App'x 44 (2d Cir. 2020).
	2C:40-16	Definitions			
Tampering with Cosmetic, Drug or Food Product; Third Degree Crime; Exception	**2C:40-17**	Grading			
Knowing Violations or Failure to Perform Duty Imposed by Law Intended to Protect Public Safety	**2C:40-18**	**MIGHT** (prior ed.: likely No)	**MIGHT** (prior ed.: likely No)		Violation of the "seat belt law" can serve as a predicate offense to support a conviction under statute which proscribes knowingly violating a law or failing to perform a duty imposed by law intended to protect the public health and safety and recklessly causing serious bodily injury; This is a broad criminal offense statutes, which would require counsel to look at the public law violated. Its intent is to protect public safety. There aren't any cases where a non-citizen was charged with this crime.
Placing or Inserting Writing in or on Consumer Product	**2C:40-19**	**MIGHT** (prior ed.: likely No)	**MIGHT** (prior ed.: likely No)		Disorderly persons offense
Markers Used to Design Boundary Lines; Visibility Required to Avoid Injury; Exception	**2C:40-20**	**MIGHT** (prior ed.: likely No)	**MIGHT** (prior ed.: likely No)		
Tattooing and Body Piercing of Minors	**2C:40-21**	**MIGHT** (prior ed.: likely No)	**MIGHT** (prior ed.: likely No)		The Third Circuit has criticized the BIA's treatment of a disorderly persons offense as a conviction. Castillo v. Att'y Gen., 729 F.3d 296 (3d Cir. 2013). In Kwok Sum Wong, the court questioned whether a NJ DP is a conviction for immigration purposes and remanded for consideration. Kwok Sum Wong v. Barr, 818 F. App'x 44 (2d Cir. 2020).
Driving without a License or When a	**2C:40-22**	**MIGHT** (prior ed.: likely No)	**MIGHT**		

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
License Is Suspended or Revoked by Listed Governmental Authorities					
Information Required to Produce Devices to Operate Motor Vehicle Locks	**2C:40-23**	**MIGHT** (prior ed.: likely No)	**MIGHT** (prior ed.: likely No)		The Third Circuit has criticized the BIA's treatment of a disorderly persons offense as a conviction. Castillo v. Att'y Gen., 729 F.3d 296 (3d Cir. 2013). In Kwok Sum Wong, the court questioned whether a NJ DP is a conviction for immigration purposes and remanded for consideration. Kwok Sum Wong v. Barr, 818 F. App'x 44 (2d Cir. 2020).
Possession of Traffic Control Preemption Device; Exceptions; Civil Penalty	**2C:40-24**	**MIGHT** (prior ed.: likely No)	**MIGHT** (prior ed.: likely No)		
Persons Permitted to Dispense Contact Lenses; Violations; Penalties	**2C:40-25**	**MIGHT** (prior ed.: likely No)	**MIGHT** (prior ed.: likely No)		
Driving While License Is Suspended or Revoked; Degree of Crimes; Minimum Sentence	**2C:40-26**	**MIGHT** (prior ed.: likely No)	**MIGHT**		DRIVING WHILE SUSPENDED FOR A DUI - State v. Perry, 439 NJ. Super. 514, 522, 523 (App. Div. 2015) found that the statute was designed to punish those who drove while suspended for a prior DUI, not specifically those driving under the influence AND suspended at the time they are stopped. Therefore, if the record does not establish that the client was DUI at the time of the stop and charge for 40-26, there is a good argument to be made that this is not a CIMT. This varies from Matter of Lopez- Meza, 22 I&N Dec. 1188 (BIA 1999), in which the DUI while suspended was found to be a CIMT. See also Marmolejo-Campos v. Holder, 558 F.3d 903, 912 (9th Circuit) 2009.
Operation of School Bus with Suspended or Revoked Driving Privileges	**2C:40-26.1**	**MIGHT** (prior ed.: likely No)	**MIGHT** (prior ed.: likely No)		
Operation of Unmanned Aircraft System	**2C:40-27**	Definitions			
Operation of Unmanned Aircraft System	**2C:40-28**	**MIGHT** (prior ed.: likely No)	**MIGHT** (prior ed.: likely No)		

Offense	N.J.S.A. Section	Aggravated Felony (AF)? (deportability; bars most relief)	Crime Involving Moral Turpitude (CIMT)? (inadmissibility and deportability)	Other Grounds? CSO, FO, CODV/CAC, Prostitution, Commercialized Vice	Comments, Case Law, and Tips for Counsel
Operation of Unmanned Aircraft System	**2C:40-29**	Preemption			
Operation of Unmanned Aircraft System	**2C:40-30**				

APPENDIX A: Federal Decisions Construing New Jersey Statutes, 2017–2026

Compiled from Westlaw research generated November 11, 2026, and the full opinions in *Ndungu* and *Wong v. Blanche*. The Westlaw report is AI-generated and states that it may not be exhaustive, particularly as to non-precedential dispositions; each entry should be read in full before reliance. No Supreme Court decision since 2017 construes a New Jersey statute; the Court's decisions supply the method (see Preamble § 4).

Statute	Authority	Holding (summary)	Weight
2C:12-1(b)(1)	*United States v. Brasby*, 61 F.4th 127 (3d Cir. 2023)	Divisible between attempt and completed offense; completed offense matches generic aggravated assault (Guidelines enumerated clause); elements clause and extreme recklessness left open.	Precedential (sentencing)
2C:12-1(b)	*United States v. Abdullah*, 905 F.3d 739 (3d Cir. 2018); *United States v. Thomas*, 750 F. App'x 129 (3d Cir. 2018)	Divisible by degree and subsection; deadly-weapon variant a crime of violence (career-offender guideline).	Precedential / non-precedential (sentencing)
2C:12-3(a)	*Larios v. Att'y Gen.*, 978 F.3d 62 (3d Cir. 2020)	Divisible by purpose; threat to commit crime of violence to terrorize, with reckless disregard, not a CIMT; realistic probability inapplicable to CIMT.	Precedential
2C:14-3(b)	*Almanza v. Att'y Gen.*, 723 F. App'x 129 (3d Cir. 2018)	Not categorically SAM; victim 13–16 variant an AF under modified categorical approach.	Non-precedential
2C:15-1	*United States v. McCants*, 952 F.3d 416 (3d Cir. 2020); *Knight*, 705 F. App'x 58 (3d Cir. 2017); *Volek*, 796 F. App'x 123 (3d Cir. 2019); *Racioppi*, 807 F. App'x 153 (3d Cir. 2020)	Robbery divisible; (a)(1) and (a)(2) require force or threat; crimes of violence under the Guidelines.	Precedential / non-precedential (sentencing)
2C:15-1	*K.A. v. Att'y Gen.*, 2021 WL 1743565 (3d Cir. May 4, 2021)	Second-degree robbery categorically matches generic theft; with 5+ years, AF and PSC barring asylum and withholding.	Non-precedential
2C:15-1(a)(1)	*Garcia-Hernandez v. United States*, 915 F.3d 558 (8th Cir. 2019)	Armed robbery a violent felony under ACCA force clause.	Precedential (8th Cir., ACCA)
2C:20-4 (DP)	*Avila v. Att'y Gen.*, 82 F.4th 250 (3d Cir. 2023); *Matter of Wong*, 28 I&N Dec. 518 (BIA 2022); *Wong v. Blanche*, No. 22-6185 (2d Cir. Aug. 19, 2026)	Disorderly persons offense is a "conviction" under INA § 101(a)(48)(A); Second Circuit so holds on independent post-*Loper Bright* reading.	Precedential (3d Cir. rests on deference; 2d Cir. persuasive)
2C:20-7(a)	*Lewin v. Att'y Gen.*, 885 F.3d 165 (3d Cir. 2018)	Third-degree receiving stolen property a categorical theft AF.	Precedential
2C:24-4(a)(1)	*Sanchez v. Att'y Gen.*, 757 F. App'x 142 (3d Cir. 2018)	Divisible; sexual-conduct variant a CIMT.	Non-precedential
2C:35-5	*Martinez v. Att'y Gen.*, 906 F.3d 281 (3d Cir. 2018)	Cocaine distribution a CSO and AF; schedules compared at conviction; NJ attempt coextensive with federal.	Precedential
2C:35-5	*Balisage v. Att'y Gen.*, 851 F. App'x 314 (3d Cir. 2021); *Sanon v. Barr*, 812 F. App'x 33 (2d Cir. 2020)	Later descheduling irrelevant; attempted transfer under (a)(1) matches § 841(a)(1).	Non-precedential
2C:35-5(b)(11)	*Harve v. Att'y Gen.*, 787 F. App'x 803 (3d Cir. 2019)	Marijuana conviction not a drug-trafficking AF (one-ounce threshold below federal small-amount line).	Non-precedential
2C:35-5(b)(4), (b)(1)	*Matter of Frias Ulloa*, 29 I&N Dec. 259 (BIA 2025); *Gayle* (3d Cir. June 15, 2023)	Divisible by controlled substance; modified categorical approach applies.	Precedential (BIA) / non-precedential
2C:35-7	*Matter of Rosa*, 27 I&N Dec. 228 (BIA 2018); *Rosa v. Att'y Gen.*, 950 F.3d 67 (3d Cir. 2020); *Tokpah v. Att'y Gen.*, 859 F. App'x 619 (3d Cir. 2021)	BIA: AF. Third Circuit: compare to § 860 (closest analog); remanded on means/elements.	Precedential / non-precedential

Statute	Authority	Holding (summary)	Weight
2C:35-7	*Stankiewicz v. Garland*, 103 F.4th 119 (2d Cir. 2024)	Not an AF: broader than § 860 and § 841; indivisible by drug.	Precedential (2d Cir.; persuasive only)
2C:35-10(a)(1)	*Matter of Laguerre*, 28 I&N Dec. 437 (BIA 2022)	Substance identity is an element; divisible; removable where record shows cocaine.	Precedential (BIA)
All drug statutes	*Hillocks v. Att'y Gen.*, 934 F.3d 332 (3d Cir. 2019)	Categorical approach governs "relating to a controlled substance" ground.	Precedential
2C:35-5, -7 (sentencing)	*United States v. Lewis*, 58 F.4th 764 (3d Cir. 2023); *United States v. Lampley*, 723 F. App'x 152 (3d Cir. 2018)	Guidelines: controlled substance defined by law at time of state conviction; school-zone heroin a controlled substance offense.	Precedential / non-precedential (sentencing)
Method (CIMT; eluding analog)	*Ndungu v. Att'y Gen.*, 126 F.4th 150 (3d Cir. 2025)	BIA may not use realistic probability to create a match; reckless flight in medical emergency not reprehensible; res judicata does not bar recharging old conviction with new one.	Precedential

APPENDIX B: Effect of Criminal Records on Common Forms of Relief

Summary adapted from the Immigrant Legal Resource Center, *Relief Chart: Eligibility for Immigration Relief Despite Criminal Record Issues* (Nov. 2021), updated where noted. Program rules for DACA and TPS change frequently; see Preamble § 7. Always check whether the client may already be a U.S. citizen through a parent or grandparent; criminal history does not affect acquired or derived citizenship.

Relief	Aggravated felony	Other criminal bars	Key timing / good moral character (GMC) rules
Naturalization	Permanent bar to GMC if conviction on or after Nov. 29, 1990.	No per se bar, but GMC bars (INA § 101(f)) include CIMT, CSO, 180+ days confinement, and others; a removable applicant may be referred to removal proceedings.	GMC for the statutory period (3 or 5 years) and discretion.
LPR cancellation (INA § 240A(a))	Bar.	None beyond AF, but the stop-time rule applies.	7 years continuous residence after admission (stops on service of a compliant NTA or commission of a § 212(a)(2) offense that renders the person inadmissible or removable); 5 years as LPR.
Non-LPR cancellation (INA § 240A(b)(1))	Bar.	Conviction of any offense described in the criminal inadmissibility or deportability grounds; one CIMT may be excused only if it carries a maximum of less than 1 year and a sentence of 6 months or less.	10 years physical presence; 10 years GMC; exceptional and extremely unusual hardship to USC/LPR spouse, parent, or child.
Adjustment of status / § 212(h) waiver	No per se bar to adjustment; an AF after admission as an LPR at a port of entry bars § 212(h).	Must be admissible or obtain a waiver; § 212(h) covers CIMT, prostitution, multiple convictions, and a single 30g-or-less marijuana possession, but not other drug offenses. Heightened standard for “violent or dangerous” crimes.	LPRs admitted at a port of entry need 7 years of lawful continuous residence for § 212(h).
Asylum / withholding / CAT	Asylum: AF is a PSC. Withholding: AF with 5+ years aggregate is a PSC. CAT: no bar.	PSC determined case by case (see Preamble § 7).	Asylum one-year filing deadline.
TPS	Bar (PSC).	Any felony or two misdemeanors; inadmissibility (criminal grounds largely unwaivable).	Country designation and registration periods.
DACA	Felony bar.	Significant misdemeanor; three or more misdemeanors; public-safety threat.	Program availability subject to litigation.
VAWA self-petition and cancellation; U and T visas; SIJS	Varies: GMC bar for VAWA self-petition; bar for VAWA cancellation; not a statutory bar for U, T, or SIJS.	Broad waivers available for U and T (discretionary; violent or dangerous crimes disfavored); SIJS adjustment requires admissibility or a waiver.	Program-specific.
Voluntary departure	Bar.	None for pre-hearing voluntary departure; post-hearing requires 5 years GMC.	—

APPENDIX C: Note on Federal Sentencing Consequences (ACCA and Guidelines)

This chart addresses immigration consequences. Because New Jersey convictions are frequently used as federal sentencing predicates, and because those decisions often resolve the same divisibility questions, the principal authorities are noted here.

Armed Career Criminal Act. The research located no Third Circuit decision since 2017 holding a New Jersey conviction to be, or not to be, an ACCA predicate. The Eighth Circuit held 2C:15-1(a)(1) armed robbery a violent felony under the force clause. *Garcia-Hernandez v. United States*, 915 F.3d 558 (8th Cir. 2019). Offenses satisfied by ordinary recklessness are not violent felonies. *Borden v. United States*, 593 U.S. 420 (2021). For "serious drug offense," the federal schedules in effect at the time of the state offense control. *Brown v. United States*, 602 U.S. 101 (2024). Burglary should be analyzed under *Quarles v. United States*, 587 U.S. 645 (2019), and drug offenses under *Shular v. United States*, 589 U.S. 154 (2020).

Sentencing Guidelines. The Third Circuit treats the Guidelines' crime-of-violence definition as substantially similar to ACCA's. *United States v. Brasby*, 61 F.4th 127 (3d Cir. 2023). New Jersey robbery and aggravated assault rulings (*McCants*, *Knight*, *Volek*, *Racioppi*, *Abdullah*, *Thomas*, *Brasby*) are collected in Appendix A. For controlled substance offenses under the Guidelines, a substance regulated by state law at the time of the state conviction counts. *United States v. Lewis*, 58 F.4th 764 (3d Cir. 2023). That rule differs from the immigration rule, which requires a federally controlled substance.

Caution: a holding that an offense is a "crime of violence" under the Guidelines' enumerated-offense clause does not establish a crime of violence under 18 U.S.C. § 16(a) for immigration purposes, but the divisibility holdings in those cases will usually be applied in removal proceedings.