

[First Reprint]

SENATE, No. 1617

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED JANUARY 7, 1999

Sponsored by:

Senator LEONARD T. CONNORS, JR.

District 9 (Atlantic, Burlington and Ocean)

Senator C. LOUIS BASSANO

District 21 (Essex and Union)

Co-Sponsored by:

Senators Kosco, McNamara, Bucco, Assemblywoman Heck, Assemblymen

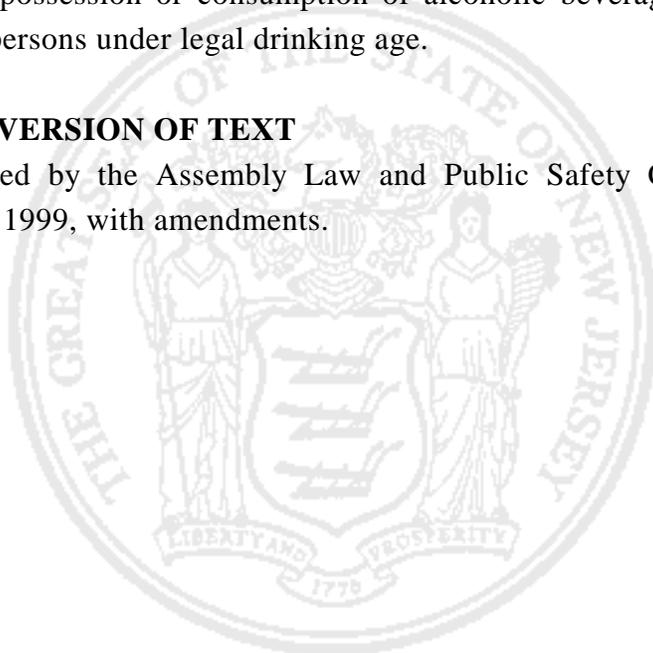
Doria, Connors, LeFevre and Moran

SYNOPSIS

Prohibits possession or consumption of alcoholic beverages on private property by persons under legal drinking age.

CURRENT VERSION OF TEXT

As reported by the Assembly Law and Public Safety Committee on December 2, 1999, with amendments.



(Sponsorship Updated As Of: 1/11/2000)

1 AN ACT concerning possession and consumption of alcoholic
2 beverages by underaged persons, supplementing Title 33 of the
3 Revised Statutes and amending P.L.1979, c.264 and P.L.1982,
4 c.77.

5
6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8
9 1. Section 1 of P.L.1979, c.264 (C.2C:33-15) is amended to read
10 as follows:

11 1. a. Any person under the legal age to purchase alcoholic
12 beverages who **【knowingly possesses】**, without legal authority,
13 knowingly possesses or **【who】** knowingly consumes any alcoholic
14 beverage in any school, public conveyance, public place, or place of
15 public assembly, or motor vehicle, is guilty of a disorderly persons
16 offense, and shall be fined not less than **【\$500.00】** ¹**【\$1,000 for a first**
17 **offense and not less than \$1,500 for a subsequent offense】** \$500¹.

18 b. **【Whenever this offense is committed in a motor vehicle, the】**
19 The court shall, in addition to the sentence authorized for **【 the】** this
20 offense, suspend or postpone for six months the driving privilege of
21 the defendant. Upon the conviction of any person under this section,
22 the court shall forward a report to the Division of Motor Vehicles
23 stating the first and last day of the suspension or postponement period
24 imposed by the court pursuant to this section. If a person at the time
25 of the imposition of a sentence is less than 17 years of age, the period
26 of license postponement, including a suspension or postponement of
27 the privilege of operating a motorized bicycle, shall commence on the
28 day the sentence is imposed and shall run for a period of six months
29 after the person reaches the age of 17 years.

30 If a person at the time of the imposition of a sentence has a valid
31 driver's license issued by this State, the court shall immediately collect
32 the license and forward it to the division along with the report. If for
33 any reason the license cannot be collected, the court shall include in
34 the report the complete name, address, date of birth, eye color, and
35 sex of the person as well as the first and last date of the license
36 suspension period imposed by the court.

37 The court shall inform the person orally and in writing that if the
38 person is convicted of operating a motor vehicle during the period of
39 license suspension or postponement, the person shall be subject to the
40 penalties set forth in R.S.39:3-40. A person shall be required to
41 acknowledge receipt of the written notice in writing. Failure to

EXPLANATION - Matter enclosed in bold-faced brackets **【thus】 in the above bill is not enacted and intended to be omitted in the law.**

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ **Assembly ALP committee amendments adopted December 2, 1999.**

1 receive a written notice or failure to acknowledge in writing the
2 receipt of a written notice shall not be a defense to a subsequent
3 charge of a violation of R.S.39:3-40.

4 If the person convicted under this section is not a New Jersey
5 resident, the court shall suspend or postpone, as appropriate, the
6 non-resident driving privilege of the person based on the age of the
7 person and submit to the division the required report. The court shall
8 not collect the license of a non-resident convicted under this section.
9 Upon receipt of a report by the court, the division shall notify the
10 appropriate officials in the licensing jurisdiction of the suspension or
11 postponement.

12 c. A person who violates the provisions of this section shall be
13 ordered by the court to perform community service for a period of not
14 more than 180 days. The community service so ordered shall be of a
15 form and on terms as the court shall deem appropriate for the
16 circumstances. All fines imposed upon persons who violate the
17 provisions of this section shall be paid to the probation office of the
18 county wherein the community service shall be performed and shall be
19 used exclusively to defray the cost incurred by the probation office,
20 agency, local governmental unit, or individual assigned supervisory
21 responsibility for that violator's community service. In addition [to
22 the general penalty prescribed for a disorderly persons offense], the
23 court may require any person who violates this act to participate in an
24 alcohol education or treatment program, authorized by the Department
25 of Health, for a period not to exceed the maximum period of
26 confinement prescribed by law for the offense for which the individual
27 has been convicted.

28 d. Nothing in this act shall apply to possession of alcoholic
29 beverages by any such person while actually engaged in the
30 performance of employment [pursuant to an employment permit issued
31 by the Director of the Division of Alcoholic Beverage Control, or for
32 a bona fide hotel or restaurant, in accordance with the provisions of
33 R.S.33:1-26] by a person who is licensed under Title 33 of the
34 Revised Statutes, or while actively engaged in the preparation of food
35 while enrolled in a culinary arts or hotel management program at a
36 county vocational school or post secondary educational institution;
37 however, this subsection shall not be construed to preclude the
38 imposition of a penalty under this section, R.S.33:1-81, or any other
39 section of law against a person who is convicted of unlawful alcoholic
40 beverage activity on or at premises licensed for the sale of alcoholic
41 beverages.

42 e. The provisions of section 3 of P.L.1991, c.169 (C.33:1-81.1a)
43 shall apply to a parent, guardian or other person with legal custody of
44 a person under 18 years of age who is found to be in violation of this
45 section.

46 (cf: P.L.1997, c.161, s.1)

1 2. (New section) a. Any person under the legal age ¹to purchase
2 alcoholic beverages¹ who, without legal authority, knowingly
3 possesses or knowingly consumes an alcoholic beverage on private
4 property shall be fined ¹~~[\$1,000]~~ \$200 ¹for a first offense and
5 ¹~~[\$1,500]~~ \$350¹ for a subsequent offense; in addition, the person shall
6 be ordered by the court to perform community service for a period of
7 not more than 180 days. The community service so ordered shall be
8 of a form and on terms as the court shall deem appropriate for the
9 circumstances.

10 b. All fines imposed upon persons who violate the provisions of
11 this section shall be paid to the probation office of the county wherein
12 the community service shall be performed and shall be used exclusively
13 to defray the cost incurred by the probation office, agency, local
14 governmental unit, or individual assigned supervisory responsibility for
15 that violator's community service.

16 c. This section shall not apply to an underaged person who
17 consumes or possesses an alcoholic beverage in connection with a
18 religious observance, ceremony, or rite or to an underaged person who
19 consumes or possesses an alcoholic beverage in the presence of and
20 with the permission of a parent or guardian who has attained the legal
21 age to purchase and consume alcoholic beverages. For the purposes
22 of this paragraph, guardian means a person who has qualified as a
23 guardian of the underaged person pursuant to testamentary or court
24 appointment.

25 d. Nothing in this act shall apply to possession of alcoholic
26 beverages by any such person while actually engaged in the
27 performance of employment by a person who is licensed under Title
28 33 of the Revised Statutes; however, this subsection shall not be
29 construed to preclude the imposition of a penalty under this section,
30 R.S.33:1-81, or any other section of law against a person who is
31 convicted of unlawful alcoholic beverage activity on or at premises
32 licensed for the sale of alcoholic beverages.

33 e. The court shall, in addition to the sentence authorized for this
34 offense, suspend or postpone for six months the driving privilege of
35 the defendant. Upon the conviction of any person under this section,
36 the court shall forward a report to the Division of Motor Vehicles
37 stating the first and last day of the suspension or postponement period
38 imposed by the court pursuant to this section. If a person at the time
39 of the imposition of a sentence is less than 17 years of age, the period
40 of license postponement, including a suspension or postponement of
41 the privilege of operating a motorized bicycle, shall commence on the
42 day the sentence is imposed and shall run for a period of six months
43 after the person reaches the age of 17 years.

44 If a person at the time of the imposition of a sentence has a valid
45 driver's license issued by this State, the court shall immediately collect
46 the license and forward it to the division along with the report. If for

1 any reason the license cannot be collected, the court shall include in
2 the report the complete name, address, date of birth, eye color, and
3 sex of the person as well as the first and last date of the license
4 suspension period imposed by the court.

5 The court shall inform the person orally and in writing that if the
6 person is convicted of operating a motor vehicle during the period of
7 license suspension or postponement, the person shall be subject to the
8 penalties set forth in R.S.39:3-40. A person shall be required to
9 acknowledge receipt of the written notice in writing. Failure to
10 receive a written notice or failure to acknowledge in writing the
11 receipt of a written notice shall not be a defense to a subsequent
12 charge of a violation of R.S.39:3-40.

13 If the person convicted under this section is not a New Jersey
14 resident, the court shall suspend or postpone, as appropriate, the
15 non-resident driving privilege of the person based on the age of the
16 person and submit to the division the required report. The court shall
17 not collect the license of a non-resident convicted under this section.
18 Upon receipt of a report by the court, the division shall notify the
19 appropriate officials in the licensing jurisdiction of the suspension or
20 postponement.

21

22 3. Section 4 of P.L.1982, c.77 (C.2A:4A-23) is amended to read
23 as follows:

24 4. Definition of delinquency. As used in this act, "delinquency"
25 means the commission of an act by a juvenile which if committed by
26 an adult would constitute:

27 a. A crime;

28 b. A disorderly persons offense or petty disorderly persons offense;

29 **[or]**

30 c. A violation of any other penal statute, ordinance or regulation;
31 or

32 d. A violation of section 2 of P.L. , c. (C.) (now pending
33 before the Legislature as this bill).

34 But, the commission of (1) an act which constitutes a violation of
35 chapter 3, 4, 6 or 8 of Title 39 of the Revised Statutes by a juvenile of
36 any age; (2) an act relating to the ownership or operation of a
37 motorized bicycle which constitutes a violation of chapter 3 or 4 of
38 Title 39 of the Revised Statutes by a juvenile of any age; (3) an act
39 which constitutes a violation of article 3 or 6 of chapter 4 of Title 39
40 of the Revised Statutes pertaining to pedestrians and bicycles, by a
41 juvenile of any age; (4) the commission of an act which constitutes a
42 violation of P.L.1981, c.318 (C.26:3D-1 et seq.), P.L.1981, c.319
43 (C.26:3D-7 et seq.), P.L.1981, c.320 (C.26:3D-15 et seq.), P.L.1985,
44 c.185 (C.26:3E-7 et seq.), P.L.1985, c.186 (C.26:3D-32 et seq.),
45 N.J.S.2C:33-13, P.L.1985, c.318 (C.26:3D-38 et seq.), P.L.1985,
46 c.381 (C.26:3D-46 et seq.), or of any amendment or supplement

1 thereof, by a juvenile of any age;(5) an act which constitutes a
2 violation of chapter 7 of Title 12 of the Revised Statutes relating to
3 the regulation and registration of power vessels, by a juvenile of any
4 age or section 2 of P.L.1987, c.453 (C.12:7-61); or (6) an act which
5 constitutes a violation of a municipal ordinance enacted pursuant to
6 section 2 of P.L.1992, c.132 (C.40:48-2.52) pertaining to curfew
7 ordinances shall not constitute delinquency as defined in this act. The
8 municipal court having jurisdiction over a case involving a violation by
9 a juvenile of a section of Title 26 listed in this subsection, Title 40
10 listed in this subsection or N.J.S.2C:33-13, shall forward a copy of the
11 record of conviction in that case to the Family Part intake service of
12 the county where the municipal court is located. If a municipal court
13 orders detention or imposes a term of imprisonment on a juvenile in
14 connection with a violation of Title 39 of the Revised Statutes, chapter
15 7 of Title 12 of the Revised Statutes, Title 40 of the Revised Statutes
16 or N.J.S.2C:33-13, that detention or term of imprisonment shall be
17 served at a suitable juvenile institution and not at a county jail or
18 county workhouse.

19 (cf: P.L.1997, c.383, s.1)

20

21 4. This act shall take effect immediately.