

18A:37-3

LEGISLATIVE HISTORY CHECKLIST

NJSA: 18A:37-3

(School vandalism-public and nonpublic - parental liability for damages)

LAWS OF: 1983

CHAPTER: 302

Bill No: A593

Sponsor(s): Zimmer and others

Date Introduced: March 11, 1982

Committee: Assembly: Education

Senate: Judiciary

Amended during passage: Yes

Amendments during passage denoted by asterisks

Date of Passage: Assembly: October 25, 1982

Senate: June 23, 1982

Date of Approval: August 11, 1983

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: Yes

Following were printed:

Reports: No

Hearings: No

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8-11-83

[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 593

STATE OF NEW JERSEY

INTRODUCED MARCH 11, 1982

By Assemblymen ZIMMER, WEIDEL, HAINES, KERN, Assemblywomen WRIGHT, BROWN, Assemblymen SCHUBER, MARKERT, MEYER, GILL, KELLY, HAYTAIAN, ROD, BENNETT, ALBOHN, SHUSTED, MUZIANI, MILLER, SMITH, HENDRICKSON, Assemblywoman OGDEN, Assemblyman D. GALLO, Assemblywoman MUHLER, Assemblymen VILLANE, GORMLEY, HARDWICK, FLYNN, BAER, MAZUR, FRANKS, NAPLES, HERMAN, BOCCHINI, ZANGARI, LESNJAK, DORIA, DOYLE and OTLOWSKI

Referred to Committee on Education

AN ACT concerning liability of parents or guardians for damage done to school property by their children, and amending N. J. S. 18A:37-3.

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

1 1. N. J. S. 18A:37-3 is amended to read as follows:

2 18A:37-3. The parents or guardian of any **[pupil]** *minor* who
 3 shall injure any **public or nonpublic** school property shall be
 4 liable for damages for the amount of injury to be collected by the
 5 board of education of the district **or the owner of the premises**
 6 in any court of competent jurisdiction, together with costs of suit.

1 2. This act shall take effect immediately.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Assembly committee amendments adopted July 8, 1982.**

ASSEMBLY, No. 593

STATE OF NEW JERSEY

INTRODUCED MARCH 11, 1982

By Assemblymen ZIMMER, WEIDEL, HAINES, KERN, Assemblywomen WRIGHT, BROWN, Assemblymen SCHUBER, MARKERT, MEYER, GILL, KELLY, HAYTAIAN, ROD, BENNETT, ALBOHN, SHUSTED, MUZIANI, MILLER, SMITH, HENDRICKSON, Assemblywoman OGDEN, Assemblyman D. GALLO, Assemblywoman MUHLER, Assemblymen VILLANE, GORMLEY, HARDWICK, FLYNN, BAER, MAZUR, FRANKS, NAPLES, HERMAN, BOCCHINI, ZANGARI, LESNIAK, DORIA, DOYLE and OTLOWSKI

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1 1. N. J. S. 18A:37-3 is amended to read as follows:

2 18A:37-3. The parents or guardian of any **[pupil]** *minor* who
3 shall injure any school property shall be liable for damages for the
4 amount of the injury to be collected by the board of education of
5 the district in any court of competent jurisdiction, together with
6 costs of suit.

1 2. This act shall take effect immediately.

STATEMENT

This bill would amend N. J. S. 18A:37-3 to provide that the parents or guardian of a minor who vandalizes school property shall be liable to the board of education for the amount of the damage done. The present statute applies only to parents and

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Matter printed in italics *thus* is new matter.

guardians of pupils enrolled in the public schools. N. J. S. 18A:37-3, as presently written, was found to be constitutional by the New Jersey Supreme Court in *Piscataway Tp. Bd. of Ed. v. Caffiero*, 86 N. J. 308 (1981). The United States Supreme Court declined to hear an appeal of the case, thereby ratifying the reasoning of the New Jersey Supreme Court, *U. S.* (1981).

As presently written, parents or guardians of pupils enrolled in nonpublic schools, or not enrolled in any school, are not liable to public schools for acts of vandalism committed by their children. This bill would extend such liability to parents or guardians of *all* minors, regardless of whether they attend a nonpublic school, or no school at all.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 593

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JULY 8, 1982

PROVISIONS:

This bill requires the parent or guardian of a minor who destroys school property to be liable for the amount of damages to the school.

BACKGROUND:

In a recent New Jersey Supreme Court opinion, *Piscataway Township Board of Education v. Caffero*, 86 N. J. 308 (1981), the court determined that the statute that extends liability to parents and guardians of pupils who vandalize school property, N. J. S. 18A:37-3, does not apply to pupils in nonpublic schools. Assembly Bill No. 593 proposes to amend 18A:37-3 to extend parental and guardian liability to parents and guardians of any person who destroys either public or nonpublic school property. According to the court:

“ . . . although its language does not limit the statute strictly to the parents of public school pupils, it is clear from the position of N. J. S. A. 18A:37-3 among other statutory sections concerning public school children that the word ‘pupil’ has that limited meaning. The statute is not applicable to parents generally for damages caused by their children whether attending a public school or not.”

Assembly Bill No. 593 proposes to amend the statute by replacing the word “pupil” with the word “minor” so that liability extends to the parent or guardian of the person committing the damage regardless of whether the person is attending school and regardless of whether it is a public or nonpublic school that is damaged.

COMMITTEE AMENDMENTS:

Language has been included to ensure that the statute is interpreted to cover damage done to nonpublic as well as public schools. The current statute only authorizes boards of education to collect damages. The committee amendments authorize the “owner of the premises” providing education in a nonpublic environment to collect damages as well as local boards of education.

LEGISLATIVE INTENT:

In the Supreme Court decision, *Piscataway Township Board of Education v. Caffero*, the court interpreted N. J. S. 18A :37-3 to apply only to damages resulting from the "willful and malicious acts" of students. The Assembly Education Committee agrees with the court's interpretation and finds it consistent with its own purpose and intent.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 593

STATE OF NEW JERSEY

DATED: MARCH 29, 1983

In a recent New Jersey Supreme Court opinion, *Piscataway Township Board of Education v. Caffiero*, 86 N. J. 308 (1981), the court upheld the constitutionality of N. J. S. 18A:37-3 which imposed vicarious liability without fault upon parents or guardians of public school pupils for damages to school property which result from the pupils' malicious or willful acts of vandalism.

This bill would extend the provisions of N. J. S. 18A:37-3 in two ways. First, the bill replaces the word "pupil" with the word "minor" so that the liability under N. J. S. 18A:37-3 extends to the parent or guardian of the person committing the damage regardless of whether the person is attending school or not. Secondly, the bill amends N. J. S. 18A:37-3 so that its provisions apply to nonpublic as well as public schools.

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATE

CONTACT: PAUL WOLCOTT

THURSDAY, AUGUST 11, 1983

Governor Thomas H. Kean today signed legislation which makes the parent or guardian of a minor who vandalizes school property liable for that damage.

The bill, A-593, sponsored by Assemblyman Richard A. Zimmer, R-Hunterdon, clarifies existing statutes to extend liability to the parent or guardian of any minor, regardless of whether the child is a pupil, and regardless of whether the damage was done at a public or private school.

The bill permits either the Board of Education of the school district involved or the owner of the property where the private school is located to collect damages.

"Malicious damage to our public schools costs taxpayers untold thousands of dollars every year," Kean said. "At a time when the financial resources of every school board, as well as those of private school operators, are strained to the breaking point, we cannot continue to permit the public to bear the cost of the malicious acts of thoughtless young people."

"Certainly, the prospect of being required to bear the costs of their children's acts of vandalism will move many parents to exercise their responsibility to control their children and teach them the respect for the property of others that should be a cornerstone of our society," the Governor said.

The law, which has the support of the School Boards Association, the Catholic Conference, and the Department of Education, takes effect immediately.

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