

2C: 33-18
LEGISLATIVE HISTORY CHECKLIST

NJSA: 2C:33-18

(Paging devices--
prohibit)

LAWS OF: 1989

CHAPTER: 232

Bill No: S2762

Sponsor(s): Rice

Date Introduced: August 4, 1988

Committee: Assembly: Transportation & Communications

Senate: Law, Public Safety & Defense

Amended during passage: Yes Assembly Committee Substitute
(IR) enacted

Date of Passage: Assembly: December 11, 1989

Senate: December 18, 1989

Date of Approval: December 29, 1989

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

See newspaper clippings--attached:

(over)

"Kean bans some student pagers," 12-30-89 Trenton Times

"Beeper possession by minors barred," 12-15-89 Home News

"Student drug dealers no dopes," 12-16-89 Trentonian

"Senate outlaws use of dealers beepers," 12-15-89 Trenton Times

"Bill makes beepers off limits..." 12-19-89 Courier Post

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ASSEMBLY COMMITTEE SUBSTITUTE FOR
SENATE, No. 2762 (1R)

STATE OF NEW JERSEY

ADOPTED JUNE 26, 1989

Sponsored by Senator RICE

1 AN ACT concerning paging devices and supplementing chapter 33
of Title 2C of the New Jersey Statutes.

3

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

1. a. A person shall not sell, lease, give or otherwise provide a
7 remotely activated paging device to a person under 18 years of
age, except as permitted in subsection b. of this section. A
9 person who knowingly violates this subsection shall be guilty of a
disorderly persons offense.

11 b. Subsection a. shall not apply if a remotely activated paging
device is sold, leased, given or otherwise provided to a person
13 under 18 years of age who is authorized to possess a paging
device (1) by a physician or surgeon licensed pursuant to
15 P.L.1938, c.277 (C.45:9-1 et seq.) during a course of a medical
treatment or care or (2) by an owner or operator or operator of a
17 legal commercial enterprise during the hours of employment. A
copy of a statement by the licensed physician or surgeon or the
19 owner or operator of the legal commercial enterprise authorizing
the possession of the paging device shall be in the possession of
21 the person who is under 18 years of age at all times while that
person is in possession of the remotely activated paging device
23 pursuant to the exemptions in this subsection.

The person selling, leasing, giving or otherwise providing a
25 remotely activated paging device to a person under 18 years of
age, who is not the employer of that person, shall at that time
27 acquire and retain a copy of a statement by the licensed
physician or surgeon or the operator of the legal commercial
29 enterprise authorizing the possession of the remotely activated
paging device by the person who is under 18 years of age.

31 Any paging device possessed in violation of this subsection may
be seized by the State or any law enforcement officer and shall
33 be subject to forfeiture pursuant to the provisions of
N.J.S.2C:64-1 et seq.

1 2. Any person enrolled as a student of an elementary or
2 secondary school, who knowingly and without the express written
3 permission of the school board, its delegated authority, or any
4 school principal, brings or possesses any remotely activated
5 paging device on any property used for school purposes, at any
6 time and regardless of whether school is in session or other
7 persons are present, is guilty of a disorderly persons offense. No
8 permission to bring or possess any remotely activated paging
9 device on school property shall be granted unless and until a
10 student or parent shall have established to the satisfaction of the
11 school authorities a reasonable basis for the possession of the
12 device on school property.

13 3. A person is guilty of a crime of the fourth degree if he uses
14 a remotely activated paging device while engaged in the
15 commission of, or an attempt to commit, or flight after
16 committing or attempting to commit any crime or offense
17 enumerated in chapters 35 or 36 of Title 2C of the New Jersey
18 Statutes.

19 4. This act shall take effect immediately.

21

PUBLIC SAFETY

23

Communications and Broadcasting

25 Regulates the sale and possession of paging devices.

SENATE, No. 2762

STATE OF NEW JERSEY

INTRODUCED AUGUST 4, 1988

By Senator RICE

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1 AN ACT concerning paging devices and supplementing chapter
2 170 of Title 2A of the New Jersey Statutes.

3

4 BE IT ENACTED by the Senate and General Assembly of the
5 State of New Jersey:

6 1. Any person who directly or indirectly, acting as agent or
7 otherwise, sells, leases, gives or furnishes to a minor under the
8 age of 18 years, any paging device shall be punished by a fine of
9 \$250.00.

10 2. This act shall take effect on the first day of the third month
11 after enactment.

12

13 STATEMENT

14

15 This bill would prohibit any person from selling, leasing, giving
16 or furnishing a paging device to a minor under the age of 18
17 years. There have been reports that minors and paging devices
18 are being used in running drug operations. This bill would impose
19 a fine of \$250.00 on any person furnishing a minor with a paging
20 device.
21

22

23 PUBLIC SAFETY

24

25 Communications and Broadcasting

26

27 Prohibits sale or lease of paging devices to minors.

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ASSEMBLY TRANSPORTATION AND
COMMUNICATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
SENATE, No. 2762 (1R)

STATE OF NEW JERSEY

DATED: JUNE 26, 1989

The Assembly Transportation and Communications Committee favorably reports an Assembly Committee Substitute for Senate Bill No. 2762 (1R).

This committee substitute regulates the possession of remotely activated paging devices by persons under 18 years of age and by persons enrolled as a student of an elementary or secondary school. This committee substitute makes the provision of a remotely activated paging device to a persons under 18 years of age a disorderly persons offense unless that person is authorized to possess a paging device (1) by a physician or surgeon licensed pursuant to P.L.1938, c.277 (C.45:9-1 et seq.) during a course of a medical treatment or care or (2) by an owner or operator or operator of a legal commercial enterprise during the hours of employment. The committee substitute requires the person under 18 years of age to be in possession of the authorization at all times that person is in possession of the device. The committee substitute also requires the person providing the device to a person under 18 years of age to acquire and retain a copy of the statement authorizing the possession of a paging device. The committee substitute authorizes the seizure of a paging device possessed by an person under 18 years of age who does not have the authorization required by the committee substitute.

The committee substitute also makes it a disorderly persons offense if a student, regardless of age, enrolled in an elementary or secondary school, fails to obtain the permission of the school board, its delegated authority, or any school principal in order to bring or possess a remotely activated paging device on any property used for school purposes. The committee substitute further provides that permission to bring or possess a remotely activated paging device on school property shall not be granted unless a student or parent has established a reasonable basis for the possession of the device on school property to the satisfaction of the school authorities.

This committee substitute also makes the use of a remotely activated paging device while engaged in the commission of, or an attempt to commit, or flight after committing or attempting to commit any crime or offense enumerated in chapters 35 or 36 of Title 2C of the New Jersey Statutes a crime of the fourth degree. Chapters 35 and 36 of Title 2C include crimes concerning public indecency and drug paraphernalia.

A disorderly persons offense is punishable by a term of imprisonment not to exceed six months or a fine not to exceed \$1,000 or both. A crime of the fourth degree is punishable by a term of imprisonment not to exceed 18 months or a fine not to exceed \$7,500 or both.

As reported by the Committee this committee substitute is identical to the Assembly Committee Substitute for Assembly Bill No. 4674 also reported this date.

SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

STATEMENT TO

SENATE, No. 2762

with Senate committee amendments

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STATE OF NEW JERSEY

DATED: FEBRUARY 23, 1989

The Senate Law, Public Safety and Defense Committee reports favorably Senate Bill No. 2762 with amendments.

As amended, Senate Bill No. 2762 would prohibit a person from selling, leasing, giving or otherwise providing a paging device to any person under 18 years of age except (1) pursuant to an authorization by a licensed physician or surgeon when the paging device is necessary during the course of medical treatment or care or (2) pursuant to an authorization by an owner or operator of a legal commercial enterprise when a person under 18 years of age is required to carry a paging device during the hours of employment.

In addition, the bill prohibits a person under 18 years of age from possessing a paging device on school property except pursuant to an authorization by a licensed physician or surgeon when the paging device is necessary during the course of medical treatment or care. The bill prohibits a person at or over the age of 18 years from possessing a paging device on school property except (1) pursuant to an authorization by a licensed physician or surgeon when the paging device is necessary during the course of medical treatment or care or (2) pursuant to an authorization by an owner or operator of a legal commercial enterprise when that person is required to carry a paging device during the hours of employment.

A person who violates the prohibitions in the bill would be fined \$250.00.

Prior to being amended, the bill would have prohibited a person from directly or indirectly selling, leasing, giving, or furnishing a paging device to a person under 18 years of age.