

13:1E-99.3

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2001 **CHAPTER:** 78

NJSA: 13:1E-99.3 (Increases penalties for littering)

BILL NO: S1709 (Substituted for A3226)

SPONSOR(S): Kyrillos and McNamara

DATE INTRODUCED: October 19, 2000

COMMITTEE: **ASSEMBLY:** Solid and Hazardous Waste

SENATE: Environment

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** March 26, 2001

SENATE: December 18, 2000

DATE OF APPROVAL: May 4, 2001

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (original bill enacted)

S1709

SPONSORS STATEMENT: (Begins on page 3 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

A3326

SPONSORS STATEMENT: (Begins on page 3 of original bill) Yes

Bill and Sponsors Statement identical to S1709

COMMITTEE STATEMENT:	ASSEMBLY:	No
	SENATE:	No
FLOOR AMENDMENT STATEMENTS:		No
LEGISLATIVE FISCAL ESTIMATE:		No
VETO MESSAGE:		No
GOVERNOR'S PRESS RELEASE ON SIGNING:		Yes

FOLLOWING WERE PRINTED:

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REPORTS:	No
HEARINGS:	No
NEWSPAPER ARTICLES:	Yes

"Litter laws get tougher," 5-5-2001 Asbury Park Press, p.A1

SENATE, No. 1709

STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED OCTOBER 19, 2000

Sponsored by:

Senator JOSEPH M. KYRILLOS, JR.
District 13 (Middlesex and Monmouth)
Senator HENRY P. MCNAMARA
District 40 (Bergen and Passaic)

Co-Sponsored by:

Senators Connors, Singer, Bark, Bucco, Allen, Assemblymen Azzolina and Thompson

SYNOPSIS

Increases penalties for littering.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/27/2001)

S1709 KYRILLOS, MCNAMARA

2

1 AN ACT concerning penalties for littering and amending P.L.1985,
2 c.533.

3

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

6

7 1. Section 8 of P.L.1985, c.533 (C.13:1E-99.3) is amended to read
8 as follows:

9 8. a. A person who throws, drops, discards or otherwise places
10 any litter of any nature upon public or private property other than in
11 a litter receptacle commits a petty disorderly persons offense and
12 notwithstanding the provisions of N.J.S.2C:43-3 to the contrary,
13 for every such offense shall be fined not less than \$100 or more than
14 \$500. The Superior Court and every municipal court shall have
15 jurisdiction to enforce this section. The State or any municipality may
16 institute proceedings under this section. If a money judgment is
17 rendered against a defendant, the payment made to the court shall be
18 remitted to the chief financial officer of the municipality wherein the
19 violation occurred, to be used by the municipality to help finance litter
20 control activities in addition to or supplementing existing litter pickup
21 and removal activities in the municipality.

22 b. If a person violates subsection a. of this section the court, in
23 addition to any penalty imposed under that subsection, may direct the
24 person to perform community service, including litter pickup and
25 removal from any public property, or any private property with
26 permission of the owner, upon which the person deposited litter, for
27 a term of not less than 20 hours nor more than 40 hours.

28 c. A person who is convicted of an offense under subsection a. of
29 this section within **[one year of]** six months after the date of a
30 previous conviction thereunder shall be sentenced to pay a fine not less
31 than \$250 or more than \$1,000, may be sentenced to imprisonment for
32 a definite term not to exceed 60 days, **[may in addition be sentenced**
33 **to pay a fine not to exceed \$1,000]** and may be directed to perform
34 community service, including litter pickup and removal from any
35 public property or from any private property if permission of the
36 owner has been granted, for a term of not less than 40 nor more than
37 80 hours.

38 (cf: P.L.1989, c.108, s.3)

39

40 2. This act shall take effect on the first day of the third month
41 following enactment.

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 underlined thus is new matter.

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STATEMENT

This bill increases the penalties for littering by establishing a minimum penalty of \$100 for the offense of littering. Current law provides that littering is a petty disorderly persons offense but does not establish a minimum penalty. In addition, current law provides for the possibility of additional penalties for a second conviction within one year of the first conviction. This bill establishes a minimum fine of \$250 for any person convicted of littering within six months after a previous conviction for littering.

SENATE ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 1709

STATE OF NEW JERSEY

DATED: NOVEMBER 12, 2000

The Senate Environment Committee reports favorably Senate Bill No. 1709.

This bill increases the penalties for littering by establishing a minimum penalty of \$100 for the offense of littering. Current law provides that littering is a petty disorderly persons offense but does not establish a minimum penalty. In addition, current law provides for the possibility of additional penalties for a second conviction within one year of the first conviction. This bill establishes a minimum fine of \$250 for any person convicted of littering within six months after a previous conviction for littering.

ASSEMBLY SOLID AND HAZARDOUS WASTE COMMITTEE

STATEMENT TO

SENATE, No. 1709

STATE OF NEW JERSEY

DATED: JANUARY 23, 2001

The Assembly Solid and Hazardous Waste Committee reports favorably Senate Bill No. 1709.

This bill increases the penalties for littering by establishing a minimum penalty of \$100 for the offense of littering. Current law provides that littering is a petty disorderly persons offense but does not establish a minimum penalty. In addition, current law provides for the possibility of additional penalties for a second conviction within one year of the first conviction. This bill establishes a minimum fine of \$250 for any person convicted of littering within six months after a previous conviction for littering.

ASSEMBLY, No. 3226

STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED FEBRUARY 5, 2001

Sponsored by:

Assemblyman JOSEPH AZZOLINA

District 13 (Middlesex and Monmouth)

Assemblyman SAMUEL D. THOMPSON

District 13 (Middlesex and Monmouth)

SYNOPSIS

Increases penalties for littering.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning penalties for littering and amending P.L.1985,
2 c.533.

3

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

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8 as follows:

9 8. a. A person who throws, drops, discards or otherwise places
10 any litter of any nature upon public or private property other than in
11 a litter receptacle commits a petty disorderly persons offense, and
12 notwithstanding the provisions of N.J.S.2C:43-3 to the contrary, for
13 every such offense shall be fined not less than \$100 or more than \$500.

14 The Superior Court and every municipal court shall have jurisdiction
15 to enforce this section. The State or any municipality may institute
16 proceedings under this section. If a money judgment is rendered
17 against a defendant, the payment made to the court shall be remitted
18 to the chief financial officer of the municipality wherein the violation
19 occurred, to be used by the municipality to help finance litter control
20 activities in addition to or supplementing existing litter pickup and
21 removal activities in the municipality.

22 b. If a person violates subsection a. of this section the court, in
23 addition to any penalty imposed under that subsection, may direct the
24 person to perform community service, including litter pickup and
25 removal from any public property, or any private property with
26 permission of the owner, upon which the person deposited litter, for
27 a term of not less than 20 hours nor more than 40 hours.

28 c. A person who is convicted of an offense under subsection a. of
29 this section within **[one year of]** six months after the date of a
30 previous conviction thereunder shall be sentenced to pay a fine not less
31 than \$250 or more than \$1,000, may be sentenced to imprisonment for
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33 **to pay a fine not to exceed \$1,000]** and may be directed to perform
34 community service, including litter pickup and removal from any
35 public property or from any private property if permission of the
36 owner has been granted, for a term of not less than 40 nor more than
37 80 hours.

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P.L. 2001, CHAPTER 78, *approved May 4, 2001*

Senate, No. 1709

1 **AN ACT** concerning penalties for littering and amending P.L.1985,
2 c.533.

3

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

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7 1. Section 8 of P.L.1985, c.533 (C.13:1E-99.3) is amended to read
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29 this section within **[one year of]** six months after the date of a
30 previous conviction thereunder shall be sentenced to pay a fine not less
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STATEMENT

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3 This bill increases the penalties for littering by establishing a
4 minimum penalty of \$100 for the offense of littering. Current law
5 provides that littering is a petty disorderly persons offense but does
6 not establish a minimum penalty. In addition, current law provides for
7 the possibility of additional penalties for a second conviction within
8 one year of the first conviction. This bill establishes a minimum fine
9 of \$250 for any person convicted of littering within six months after
10 a previous conviction for littering.

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14

15 Increases penalties for littering.

CHAPTER 78

AN ACT concerning penalties for littering and amending P.L.1985, c.533.

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

1. Section 8 of P.L.1985, c.533 (C.13:1E-99.3) is amended to read as follows:

C.13:1E-99.3 Penalties for littering.

8. a. A person who throws, drops, discards or otherwise places any litter of any nature upon public or private property other than in a litter receptacle commits a petty disorderly persons offense, and notwithstanding the provisions of N.J.S.2C:43-3 to the contrary, for every such offense shall be fined not less than \$100 or more than \$500. The Superior Court and every municipal court shall have jurisdiction to enforce this section. The State or any municipality may institute proceedings under this section. If a money judgment is rendered against a defendant, the payment made to the court shall be remitted to the chief financial officer of the municipality wherein the violation occurred, to be used by the municipality to help finance litter control activities in addition to or supplementing existing litter pickup and removal activities in the municipality.

b. If a person violates subsection a. of this section the court, in addition to any penalty imposed under that subsection, may direct the person to perform community service, including litter pickup and removal from any public property, or any private property with permission of the owner, upon which the person deposited litter, for a term of not less than 20 hours nor more than 40 hours.

c. A person who is convicted of an offense under subsection a. of this section within six months after the date of a previous conviction thereunder shall be sentenced to pay a fine not less than \$250 or more than \$1,000, may be sentenced to imprisonment for a definite term not to exceed 60 days, and may be directed to perform community service, including litter pickup and removal from any public property or from any private property if permission of the owner has been granted, for a term of not less than 40 nor more than 80 hours.

2. This act shall take effect on the first day of the third month following enactment.

Approved May 4, 2001.

Office of the Governor
NEWS RELEASE

PO BOX 004
TRENTON, NJ 08625

CONTACT: Rae Hutton
609-777-2600

RELEASE: May 4 , 2001

Acting Governor Donald T. DiFrancesco signed the following legislation today:

S-2026, sponsored by Senators William Gormley (R-Atlantic) and John Matheussen (R-Camden/Gloucester) transfers the Bureau of Parole in the Department of Corrections to the State Parole Board thus consolidating the Bureau of Parole and the State Parole Board under one direct authority.

A-2083, sponsored by Senators Diane Allen (R-Burlington/Camden) and Robert Littell (R-Sussex/Hunterdon/Morris) and Assembly members Joseph Azzolina (R-Middlesex/Monmouth) and Charlotte Vandervalk (R-Bergen) establishes a statewide Sexual Assault Nurse Examiner program (SSANE) in the Office of the Attorney General. The SSANE program is aimed at ensuring more accurate collection of forensic evidence for use in prosecuting suspected rapists and creates a compassionate way to treat sexual assault victims.

S-1708, sponsored by Joseph Kyrillos (R-Middlesex/Monmouth) and Henry McNamara (R-Bergen/Passaic) and Assemblymen Samuel Thompson (R-Middlesex/ Monmouth) and Joseph Azzolina (R-Middlesex/Monmouth) requires the New Jersey Department of Transportation to prepare a plan for litter pickup and removal along the highways maintained by the department.

S-1709, sponsored by Senators Joseph Kyrillos (R-Middlesex/Monmouth) and Henry McNamara (R-Bergen/Passaic) and Assemblymen Joseph Azzolina (R-Middlesex/Monmouth) and Samuel Thompson (R-Middlesex/Monmouth) increases the penalties for littering by establishing a minimum penalty of \$100 for the offense of littering and a minimum fine of \$250 for any person convicted of littering within six months of a previous conviction for littering.

S-1079, sponsored by Senator John Cafiero (R-Cape May/Atlantic/Cumberland) and Assemblymen Michael Carroll (R-Morris) and Richard Merkt (R-Morris) establishes a ten-year limitation on surveyors' liability for deficiencies in a survey. There is an exception for adverse possession cases where the statute of limitations for surveying would be the same as the time period required for the adverse possession.

S-269, sponsored by Senators John Bennett (R-Monmouth) and John Lynch (D-Middlesex/Somerset/Union) and Assemblyman Michael Carroll (R-Morris) exempts from current post-employment restrictions any partnership, firm or corporation engaged in the practice of law with which a former member of the Judiciary is associated and any partner, officer, director or employee of the partnership, firm or corporation if the former member of the Judiciary 1) is associated with the firm in an 'of counsel' position without any equity interest and 2) is screened for a period of two years subsequent to termination of the former member's employment from any personal participation in any representation, appearance for or negotiation on behalf of any holder of or applicant for, a casino license.

A-2548, sponsored by Assembly members Loretta Weinberg (D-Bergen) and Ken Zisa (D-Bergen) allows municipalities to require owners of multiple dwellings comprised of more than 20 dwelling units to prepare an emergency evacuation plan. The plan must be prepared in coordination with local fire and emergency response agencies.

A-2793, sponsored by Senators William Schluter (R-Warren/Hunterdon/Mercer) and Joseph Littell (R-Sussex/Hunterdon/Morris) and Assemblyman Leonard Lance (R-Warren/Hunterdon/Mercer) requires the release of water from the Spruce Run and Round Valley reservoirs into the south branch of the Raritan River for the purpose of supporting recreational water use. Additionally, there is an appropriation for \$350,000 that creates a non-lapsing fund to defray the expense in releasing water from the Round Valley reservoir incurred by the New Jersey Water Supply Authority.

A-3039, sponsored by Senator Robert Singer (R-Burlington/Monmouth/Ocean) and Assemblymen Jeffrey Moran (R-Atlantic/Burlington/Ocean) and Anthony Impreveduto (D-Bergen/Hudson) allows any mortician who holds a license or certification from another state to become licensed in New Jersey through endorsement provided he has met education and experience requirements substantially equivalent to the requirements of current New Jersey law.