

24:21-27

LEGISLATIVE HISTORY CHECKLIST

NJSA: 24: 21-27; 53: 1-18.3

(Repeals requirement for
Dept. of Health to main-
tain a Controlled Danger-
ous Substances Registry)

LAWS OF: 1984

CHAPTER: 91

Bill No: A1138

Sponsor(s): Franks

Date Introduced: February 6, 1984

Committee: Assembly: Corrections, Health and Human Services

Senate: /////

Amended during passage: No Substituted for S1212 (not attached
since identical to A1138)

Date of Passage: Assembly: June 25, 1984

Senate: June 28, 1984

Date of Approval: July 19, 1984

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate No

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

ASSEMBLY, No. 1138
STATE OF NEW JERSEY

INTRODUCED FEBRUARY 6, 1984

By Assemblyman FRANKS

AN ACT to amend the title of "An act to establish a Controlled Dangerous Substances Registry in the State Department of Health, supplementing P. L. 1969, chapter 152 (C. 26:2G-1 et seq.), amending section 3 of P. L. 1952, chapter 9 and section 2 of P. L. 1967, chapter 298, and making an appropriation," approved October 19, 1970 (P. L. 1970, c. 227) so that the same shall read "An act concerning narcotics and dangerous drugs, amending P. L. 1952, c. 92 and P. L. 1967, c. 298 and making an appropriation," and to repeal sections 1 to 4 of that act, and amending P. L. 1970, c. 226 and P. L. 1952, c. 92.

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

1 1. The title of P. L. 1970, c. 227 is amended to read as follows:
2 An act [to establish a Controlled Dangerous Substances Registry
3 in the State Department of Health, supplementing P. L. 1969,
4 chapter 152 (C. 26:2G-1 et seq.), amending section 3 of P. L. 1952,
5 chapter 9 and section 2 of P. L. 1967, chapter 298,] *concerning*
6 *narcotics and dangerous drugs, amending P. L. 1952, c. 92 and*
7 *P. L. 1967, c. 298* and making an appropriation.

1 2. Section 27 of P. L. 1970, c. 226 (C. 24:21-27) is amended to
2 read as follows:

3 27. Conditional discharge for certain first offenses; expunging
4 of records. a. Whenever any person who has not previously been
5 convicted of any offense under the provisions of this act or, sub-
6 sequent to the effective date of this act, under any law of the United
7 States, this State or of any other state, relating to narcotic drugs,

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.

8 marihuana, or stimulant, depressant, or hallucinogenic drugs, is
9 charged with or convicted of any offense under section 20 of *P. L.*
10 *1970, c. 226* (C. 24:21-20), the court, upon notice to the prosecutor
11 and subject to subsection c. of this section, may on motion of the
12 defendant or the court:

13 (1) Suspend further proceedings and with the consent of such
14 person after reference to the [Controlled Dangerous Substances
15 Registry, as established and defined in the Controlled Dangerous
16 Substances Registry Act of 1970] *State Bureau of Identification*
17 *criminal history record information files*, place him under super-
18 visory treatment upon such reasonable terms and conditions as it
19 may require; or

20 (2) After plea of guilty or finding of guilty, and without entering
21 a judgment of conviction, and with the consent of such person after
22 proper reference to the [Controlled Dangerous Substances Registry
23 as established and defined in the Controlled Dangerous Substances
24 Registry Act of 1970] *State Bureau of Identification criminal*
25 *history record information files*, place him on supervisory treat-
26 ment upon such reasonable terms and conditions as it may require,
27 or as otherwise provided by law.

28 b. In no event shall the court require as a term or condition of
29 supervisory treatment under this section, referral to any residential
30 treatment facility for a period exceeding the maximum period of
31 confinement prescribed by law for the offense for which the in-
32 dividual has been charged or convicted, nor shall any term of
33 supervisory treatment imposed under this subsection exceed a
34 period of three years. Upon violation of a term or condition of
35 supervisory treatment the court may enter a judgment of convic-
36 tion and proceed as otherwise provided, or where there has been no
37 plea of guilty or finding of guilty, resume proceedings. Upon ful-
38 fillment of the terms and conditions of supervisory treatment the
39 court shall terminate the supervisory treatment and dismiss the
40 proceedings against him. Termination of supervisory treatment
41 and dismissal under this section shall be without court adjudica-
42 tion of guilt and shall not be deemed a conviction for purposes of
43 disqualifications or disabilities, if any, imposed by law upon con-
44 viction of a crime or disorderly persons offense but shall be
45 reported by the clerk of the court [pursuant to the Controlled
46 Dangerous Substances Registry Act] *to the State Bureau of Iden-*
47 *tification criminal history record information files*. Termination
48 of supervisory treatment and dismissal under this section may
49 occur only once with respect to any person. Imposition of super-
50 visory treatment under this section shall not be deemed a con-

51 viction for the purposes of determining whether a second or sub-
 52 quent offense has occurred under section 29 of P. L. 1970, c. 226 (C.
 53 24:21-29) **[of this act]** or any law of this State.

54 c. Proceedings under this section shall not be available to any
 55 defendant unless the court in its discretion concludes that:

56 (1) The defendant's continued presence in the community, or in
 57 a civil treatment center or program, will not pose a danger to the
 58 community; or

59 (2) That the terms and conditions of supervisory treatment will
 60 be adequate to protect the public and will benefit the defendant by
 61 serving to correct any dependence on or use of controlled substances
 62 which he may manifest.

1 3. Section 3 of P. L. 1952, c. 92 (C. 53:1-18.3) is amended to
 2 read as follows:

3 3. It shall be the duty of the Superintendent of the State Police:

4 **[a.]** To compile and report annually to the Governor and to the
 4A Legislature the results of the reports of the arrests of all persons
 5 and the disposition of all cases involving offenses relating to
 6 narcotic or dangerous drugs, substances or compounds within the
 7 preceding year and to furnish quarterly reports of a like nature
 8 during the interim periods.

9 **[b.]** To provide on a continuing basis to the Division of Narcotic
 10 and Drug Abuse Control of the State Department of Health such
 11 information as the director thereof shall require from time to time
 11A on forms prescribed by the State Department of Health for use in
 12 connection with the registry established by this act.

1 4. Sections 1 to 4 of P. L. 1970, c. 227 (C. 26:2G-17 to C.
 2 26:2G-20) are repealed.

1 5. This act shall take effect immediately.

STATEMENT

The Department of Health's Controlled Dangerous Substances Registry was established pursuant to P. L. 1970, c. 227 (C. 26:2G-17 et seq.). The registry is a record of adult controlled dangerous substances offense convictions and conditional discharges. The records derive from information furnished by the State Bureau of Identification, operated by the State Police. Thus, the Department of Health registry is a costly duplication of State Bureau of Identification records. This bill repeals the law which established the registry and repeals the requirement that the State Police furnish

registry information to the Department of Health. The courts, prosecutors and probation officers who previously requested information from this registry, to ascertain whether an individual has been accorded conditional discharge treatment, now will request the information directly from the State Bureau of Identification criminal history record information files.

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ASSEMBLY CORRECTIONS, HEALTH AND
HUMAN SERVICES COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1138

STATE OF NEW JERSEY

DATED: MAY 14, 1984

The purpose of this bill is to eliminate duplication of records contained in the criminal history record information files of the State Bureau of Identification. It is intended that the courts, prosecutors and probation officers who previously requested information from the Controlled Dangerous Substances Registry to ascertain whether a person has been granted conditional discharge treatment, will not request the information directly from the State Bureau of Identification.

This bill repeals the "Controlled Dangerous Substances Registry Act of 1970," P. L. 1970, c. 227 (C. 26:2G-17 et seq.), which established a Statewide narcotics and drug abuse registry in the Division of Narcotic and Drug Abuse Control of the Department of Health. This Controlled Dangerous Substances Registry is a record of convictions for adult controlled dangerous substances offenses and conditional discharges derived from information furnished by the State Bureau of Identification in the Division of State Police.

The bill also repeals the requirement that the State Police supply registry information to the Department of Health.



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OFFICE OF THE GOVERNOR

PROPERTY OF
NEWS RELEASE

CN-001

Contact: PAUL WOLCOTT
609-292-8956

JUL 21 1984

TRENTON, N.J. 08625

Release: THURSDAY, JULY 19, 1984

185 W. State Street

Governor Thomas H. Kean has signed legislation which amends the law governing penalties for pedestrian and bicycle law violations by juveniles.

The bill, S-653, sponsored by State Senator Frank X. Graves, D-Passaic, sets a penalty of a warning or a \$10 fine for juvenile offenders who are found guilty of pedestrian or bicycle law violations. Under the terms of legislation creating the Family Court, juvenile offenders now appear in Municipal Court for those type of violations. However, an unforeseen result of this law was that juveniles were thus subjected to penalties set out in Title 39 (motor vehicle statues). The minimum penalty for most Title 39 violations is \$50.

Although there were few convictions under the law, the theoretical result was that eight-year-olds who ran a stop sign on their bicycle would be subject to \$50 fines plus court costs in Municipal Court.

The Governor also signed the following bills:

A-1138/S-1212, sponsored by Assemblyman Robert D. Franks, R-Union and State Senator Richard J. Codey, D-Essex, which abolishes the Controlled Dangerous Substances Registry in the Department of Health and requires the State Bureau of Identification, operated by the Division of State Police, which keeps identical records, to provide CDS information to the courts, prosecutors and probation officers who request it. The CDS registry kept records of adult CDS convictions and conditional discharges.

S-39, sponsored by State Senator Laurence Weiss, D-Middlesex, which exempts the annual appropriations bill from the review process of the Capital Budgeting and Planning Commission.

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