

10:5-19

LEGISLATIVE HISTORY CHECKLIST

NJSA: 10:5-19; 10:5-14.1a

(Division On Civil Rights-Orders by Director-Enforcement Penalties).

LAWS 1983

CHAPTER: 412

Bill No: A1015

Sponsor(s): Baer and Garvin

Date Introduced: March 1, 1982

Committee:

Assembly: Commerce and Industry

Senate: Law, Public Safety and Defense

Amended during passage:

NO

Date of Passage:

Assembly: June 20, 1983

Senate: December 12, 1983

Date of Approval: January 4, 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~~ Yes

Following were printed:

Reports:

NO

Hearings:

NO

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CHAPTER 412 LAWS OF N. J. 1983
APPROVED 1-4-84

ASSEMBLY, No. 1015

STATE OF NEW JERSEY

INTRODUCED MARCH 1, 1982

By Assemblyman BAER and Assemblywoman GARVIN

Referred to Committee on Commerce and Industry

AN ACT concerning the enforcement of the orders of the Director of the Division of Civil Rights, the imposition of penalties and amending and supplementing P. L. 1945, c. 169.

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

1 1. Section 18 of P. L. 1945, c. 169 (C. 10:5-19) is amended to
2 read as follows:

3 18. Observance of an order of the director issued pursuant to the
4 provisions of this act *including collection or enforcement of dam-*
5 *ages or penalties* may be enforced by a *summary* civil action
6 brought by the director in the Superior Court to obtain such relief
7 as may be necessary to effectuate the terms of said order.

1 2. (New section) Any person who violates any of the provisions
2 of the "Law Against Discrimination," P. L. 1945, c. 169 (C. 10:5-1
3 et seq.), shall, in addition to any other relief or affirmative action
4 provided by law, be liable to a penalty of not more than \$2,000.00
5 for the first offense and not more than \$5,000.00 for the second and
6 each subsequent offense. The penalties shall be determined by the
7 director in such amounts as he deems proper under the circum-
8 stances and included in his order following his finding of an un-
9 lawful discrimination or an unlawful employment practice pursuant
10 to section 16 of P. L. 1945, c. 169 (C. 10:5-17). Any such amounts
11 collected by the director shall be paid forthwith into the State
12 Treasury for the general purposes of the State.

1 3. This act shall take effect immediately.

Matter printed in italics thus is new matter.

STATEMENT

The present "Law Against Discrimination" provides no penalties to deter many illegal acts of discrimination. A violator can only be penalized if he violates the division's order to correct acts of discrimination. This bill would provide penalties giving weight to the State's effort to prevent illegal acts of discrimination. The fines prescribed are equivalent to those for generalized consumer protection.

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A1015 (1983)

ASSEMBLY COMMERCE AND INDUSTRY COMMITTEE
STATEMENT TO
ASSEMBLY, No. 1015

STATE OF NEW JERSEY

DATED: JUNE 13, 1983

The Assembly Commerce and Industry Committee favorably reports this bill which is designed to provide an effective deterrent to acts of discrimination in the state. The existing "Law Against Discrimination" is lacking in penalties for most violations except for repeated violations in defiance of orders, to specific violators, by the Civil Rights Division.

This bill would subject violators of the "Law Against Discrimination" to administrative fines and procedures under the "Penalty Enforcement Act" which are equivalent to the administrative fines and procedures used extensively at present by the Division of Consumer Affairs. The fines which would be paid to the State Treasury could, of course, be appealed.

The bill would also allow the Director of the Division on Civil Rights to bring an order for the collection of damages or penalties by a summary civil action in the Superior Court. Such authority could make the difference between an action taking two weeks as opposed to a year or more. Some actions of the division are already being handled in this matter.

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATE

CONTACT: PAUL WOLCOTT

THURSDAY, JANUARY 5, 1984

Governor Thomas H. Kean has signed the following bills:

S-1318, sponsored by State Senator John A. Lynch, D-Middlesex, which increases from \$500 to \$1000 the maximum fine a municipality may impose for violation of an ordinance and to clarify that a municipality may impose a minimum penalty not to exceed \$100.

A-449, sponsored by Assemblyman John A. Girgenti, D-Passaic, which makes a person convicted of motor vehicle theft violations liable to the owner of the vehicle for expenses incurred by damage or recovery of the vehicle.

A-1015, sponsored by Assemblyman Byron M. Baer, D-Bergen, which permits the Director of the Division of Civil Rights to impose fines for violations of the State's civil rights statutes. The bill sets maximum penalties of \$2000 for a first offense and \$5000 for second and subsequent offenses.

A-3015, sponsored by Assemblyman Girgenti, which provides that certain firemen who are injured in the line of duty are eligible for exempt fireman status. In order to qualify under the bill, a fireman must have performed 60 percent of fire duty for a period of five consecutive years at the time the injury is incurred. Current law requires seven years of 60 percent duty performance in order to qualify for exempt status.

A-3404, sponsored by Assemblyman D. Bennett Mazur, D-Bergen, which appropriates \$6.3 million from the Public Purpose Building Construction Fund for the construction of a nursing home for disabled veterans in Paramus.