

21:2-35 AND 21:3-8

LEGISLATIVE HISTORY CHECKLIST

NJSA: 21:2-35, 21:3-8

(Fireworks - unlawful transport, sale and use - increase penalties)

LAWS OF: 1983

CHAPTER: 561

Bill No: A1378

Sponsor(s): Paterniti and others

Date Introduced: May 17, 1982

Committee: Assembly: Judiciary, Law, Public Safety and Defense
Senate: Judiciary

Amended during passage: No

Date of Passage: Assembly: June 20, 1983
Senate: January 9, 1984

Date of Approval: January 17, 1984

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~~ Yes

Following were printed:

Reports: No

Hearings: No

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ASSEMBLY, No. 1378

STATE OF NEW JERSEY

INTRODUCED MAY 17, 1982

By Assemblymen PATERNITI, PELLY, OTLOWSKI, DEVERIN,
ZANGARI and LESNIAK

AN ACT concerning fireworks and amending R. S. 21:2-35 and R. S.
21:3-8.

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

1 1. R. S. 21:2-35 is amended to read as follows:

2 21:2-35. Any person who fails to comply with or violates any of
3 the provisions of this chapter shall be [liable to a penalty of not
4 less than twenty-five dollars (\$25.00) nor more than ten thousand
5 dollars (\$10,000.00) or imprisonment not exceeding 1 year, or both,
6 in the discretion of the court. The money penalties herein provided
7 for shall be sued for and recovered in a civil action by and in the
8 name of the Commissioner of Labor] *guilty of a crime of the*
9 *fourth degree.*

1 2. R. S. 21:3-8 is amended to read as follows:

2 21:3-8. Any person [violating any of the provisions of this
3 chapter shall be subject to a penalty: For selling, offering or expos-
4 ing for sale, or having in possession] *who sells, offers or exposes*
5 *for sale, or possesses* with intent to sell any fireworks as herein
6 mentioned[, the sum of \$100.00 for each offense or by imprisonment
7 in the county jail for a period of 90 days, or by both such fine and
8 imprisonment in the discretion of the court having jurisdiction, and
9 for using, discharging or causing to be discharged, ignited, fired,
10 or otherwise set in action, or having in possession] *is guilty of a*
11 *disorderly persons offense. Any person who uses, discharges,*
12 *causes to be discharged, ignites, fires, or otherwise sets in action,*
13 *or possesses* any fireworks[, a sum not exceeding \$100.00 for each
14 offense] *is guilty of a petty disorderly persons offense.*

1 3. 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.

STATEMENT

The purpose of this bill is to clarify and increase the penalties for the unlawful transport, sale, and use of fireworks, and to express the penalties in language that conforms to the terminology established in the Criminal Code (Title 2C).

According to current law (R. S. 21:2-35), a person who unlawfully transports fireworks into or within New Jersey can be fined from \$25.00 to \$10,000.00 and imprisoned for up to one year. Money penalties assessed for the offense must be recovered in a civil action by the Department of Labor. This penalty also applies to other violations of the laws dealing with fireworks. This bill would amend R. S. 21:2-35 so that a person who violated any provision of subtitle 2 of Title 21, including the offense of unlawfully transporting fireworks, would be guilty of a crime of the fourth degree, which is punishable by a fine of up to \$7,500.00 and/or imprisonment for up to 18 months. Fines imposed for the offense would be recoverable in the same way as fines imposed as penalties for other crimes.

Under current law (R. S. 21:3-8), anyone who sells fireworks or possesses them with the intention of selling them, is fined \$100.00 for each offense and/or imprisoned in the county jail for 90 days, and anyone who discharges or possesses fireworks is penalized by a fine of up to \$100.00 for each offense.

This bill would amend R. S. 21:3-8 so that anyone who sold fireworks, offered them for sale, or possessed them with the intention of selling them would be guilty of a disorderly persons offense, which is punishable by a fine of up to \$1,000.00 and/or imprisonment for up to 6 months.

Anyone who discharged or possessed fireworks would be a petty disorderly person, punishable by a fine of up to \$500.00 and imprisonment for up to 30 days.

STATEMENT

The purpose of this bill is to clarify and increase the penalties for the unlawful transport, sale, and use of fireworks, and to express the penalties in language that conforms to the terminology established in the Criminal Code (Title 2C).

According to current law (R. S. 21:2-35), a person who unlawfully transports fireworks into or within New Jersey can be fined from \$25.00 to \$10,000.00 and imprisoned for up to one year. Money penalties assessed for the offense must be recovered in a civil action by the Department of Labor. This penalty also applies to other violations of the laws dealing with fireworks. This bill would amend R. S. 21:2-35 so that a person who violated any provision of subtitle 2 of Title 21, including the offense of unlawfully transporting fireworks, would be guilty of a crime of the fourth degree, which is punishable by a fine of up to \$7,500.00 and/or imprisonment for up to 18 months. Fines imposed for the offense would be recoverable in the same way as fines imposed as penalties for other crimes.

Under current law (R. S. 21:3-8), anyone who sells fireworks or possesses them with the intention of selling them, is fined \$100.00 for each offense and/or imprisoned in the county jail for 90 days, and anyone who discharges or possesses fireworks is penalized by a fine of up to \$100.00 for each offense.

This bill would amend R. S. 21:3-8 so that anyone who sold fireworks, offered them for sale, or possessed them with the intention of selling them would be guilty of a disorderly persons offense, which is punishable by a fine of up to \$1,000.00 and/or imprisonment for up to 6 months.

Anyone who discharged or possessed fireworks would be a petty disorderly person, punishable by a fine of up to \$500.00 and imprisonment for up to 30 days.

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1378

STATE OF NEW JERSEY

DATED: JUNE 13, 1983

This bill would clarify and increase the penalties for the unlawful transport, sale, and use of fireworks. The bill also conforms the language describing these penalties to the terminology utilized in the Criminal Code (Title 2C).

Presently, R. S. 21:2-35 provides that a person who unlawfully transports fireworks into or within New Jersey can be fined from \$25.00 to \$10,000.00 and imprisoned for up to one year. The Department of Labor must recover the fines assessed for the offense in a civil action. This penalty also applies to other violations of the laws dealing with fireworks. This bill would amend R. S. 21:2-35 so that a person who violated any provision of subtitle 2 of Title 21, including the offense of unlawfully transporting fireworks would be guilty of a crime of the fourth degree. A crime of the fourth degree is punishable by a fine of up to \$7,500.00 and/or imprisonment for up to 18 months. Fines imposed for the offense would be recoverable in the same way as fines imposed as penalties for other crimes.

Presently, R. S. 21:3-8 provides that anyone who sells fireworks or possesses them with the intention of selling them shall be fined \$100.00 for each offense and/or imprisoned in the county jail for 90 days. Anyone who discharges or possesses fireworks is penalized by a fine of up to \$100.00 for each offense.

This bill would amend R. S. 31:3-8 so that anyone who sold fireworks, offered them for sale, or possessed them with the intention of selling them would be guilty of a disorderly persons offense. A disorderly persons offense is punishable by a fine of up to \$1,000.00 and/or imprisonment for up to six months.

Under the terms of the bill anyone who discharged or possessed fireworks would be a petty disorderly person. The penalty for this is a fine of up to \$500.00 and imprisonment for up to 30 days.

SENATE JUDICIARY COMMITTEE
STATEMENT TO
ASSEMBLY, No. 1378

STATE OF NEW JERSEY

DATED: DECEMBER 8, 1983

The purpose of Assembly Bill No. 1378 is to clarify and increase the penalties for the unlawful transport, sale and use of fireworks, and to conform these penalties to the terminology employed in Title 2C, the New Jersey Code of Criminal Justice.

Presently, the penalty generally applicable to violations of New Jersey's statutes governing the transportation and storage of fireworks is a fine of between \$25.00 and \$10,000.00 and imprisonment for up to one year. Money penalties must be recovered in a civil action brought by the Department of Labor. Assembly Bill No. 1378 would change this general penalty to a crime of the fourth degree. Crimes of the fourth degree are punishable by up to 18 months imprisonment and/or a fine of up to \$7,500.00. The penalties, including the fine, would be assessed as part of the normal sentencing procedures governing criminal cases.

Under current law, the selling of fireworks or the possession of fireworks with intent to sell is punishable by a fine of \$100.00 for each offense and/or imprisonment for up to 90 days. A person who discharges or possesses fireworks may be fined up to \$100.00 for each offense.

This bill would provide that the sale or possession with intent to sell fireworks would be classified as a disorderly persons offense. Disorderly persons offenses are punishable by a fine of up to \$1,000.00 and/or imprisonment for up to six months. The discharging or possession of fireworks would be classified as a petty disorderly persons offense. Petty disorderly persons offenses are punishable by a fine of up to \$500.00 and/or imprisonment for up to 30 days.

A-3018, ET AL.

Tuesday, January 17, 1984

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A-3251, sponsored by Assemblyman Robert Janiszewski, D-Hudson, to exempt from gross income for income tax purposes employer contributions into and on behalf of employees in an employer sponsored tax deferred retirement plan.

A-1378, sponsored by Assemblyman Thomas Paterniti, D-Middlesex, to increase the penalties for the unlawful transport, manufacture, sale, possession, use or public display of fireworks.

A-1519, sponsored by Assemblyman Anthony Marsella, D-Camden, to reconstitute the membership of the Board of Trustees of the New Jersey Historic Trust.

A-1884, sponsored by Assemblyman Walter Kavanaugh, R-Somerset, to provide that a hearing impaired person shall have a qualified interpreter for the deaf to assist them in all court proceedings or proceedings before a governmental administrative agency.

A-2281, sponsored by Senator Raymond Lesniak, D-Union, to remove the \$100,000 restitution limit imposed upon violators of the Solid Waste Management Act and require restitution for the actual amount of loss suffered as a result of the violation.

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